Alberta Law Libraries Review
Final Report
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I Executive Summary

Introduction

Alberta Law Libraries (ALL) support the administration of justice and the rule of law in the Province of Alberta. ALL manages a comprehensive collection of primary and secondary legal resources, in print and electronic media, and provides reference and legal research services which are delivered by law librarians and coordinators.

In April 2015, Alberta Justice and Solicitor General convened the **Alberta Law Libraries Review Committee** (ALLRC), comprised of library stakeholders, to provide strategic guidance and options for the future of Alberta Law Libraries in a digital age. Specifically, the ALLRC was asked to provide options and recommendations regarding ALL's mission (i.e., scope and purpose), operating (i.e., service delivery) model, funding and governance.

Review Approach

Over seventy structured one-on-one and group interviews, in-person and telephone, were conducted with Committee members and ALL stakeholders (i.e., the judiciary, legal counsel, Alberta Crown Prosecution Service, Legal Services Division, and the legal profession); other players in Alberta's justice system such as the Law Information Centres and Legal Aid Alberta; law firm, municipal and university law libraries; and law libraries in other jurisdictions. Print and electronic surveys were made available to members of the public who visited the libraries over the course of the review and to members of the Law Society of Alberta.

Findings

The main findings of the stakeholder consultation were as follows:

- *The administration of justice is increasingly complex. This has increased the demand for efficient and effective access to high quality legal information.*
- *ALL is an essential element of Alberta's justice system and the rule of law, which are the underpinnings of civil society. ALL is critical to the effective functioning of Alberta's justice system.*
- *Separate judicial libraries are an important feature of the current service delivery model.*

- *The scope of required legal resources is far more than statutes and case law. Up-to-date textbooks are crucial to effective and efficient legal research.*
- *The 2013 budget cuts resulted in a significant reduction in ALL's print resources, to the point that stakeholders say they have fewer resources than they need.*
- *The role of the law librarian is viewed as "hugely critical" to the effective operation of ALL and, by extension, to the functioning of Alberta's justice system. Librarians provide essential training in legal research as well as valued current awareness services. The majority of stakeholders interviewed preferred interacting face-to-face with a law librarian.*
- *While the use of online legal resources is established across all stakeholder groups, the "digital age" of libraries is, currently, more myth than reality.*
- *Law libraries are 'price takers' in terms of print and online legal resources; they are subject to frequent, unpredictable and sometimes extremely large percentage price increases. Licensing restrictions have a negative impact on accessibility and collection cost management.*

Conclusions

ALL is at a critical decision point with respect to its future. The review and analysis undertaken by the Committee have established the following:

- ALL's current service delivery model is not meeting the needs of the library users.
- Maintaining current funding levels or proceeding with planned reductions in funding would result in further cuts to staff or the ALL collection to levels which would be unacceptable to library users.
- No service delivery alternatives have been identified which would be acceptable to the library users, would maintain or enhance ALL services and which would be sustainable given expressed funding constraints.

Recommendations

The ALLRC recommends the following:

1. More funding is required. ALL funders should meet at the earliest opportunity to explore a sustainable funding regime which will enable ALL to maintain, for the long term, a high quality collection and superior library services. The Committee recognizes that discussion and implementation of any changes will take time; in the interim, bridge funding may be required to meet the needs of library users and address staff wellness issues.

2. The existing governance model is not working. Design and implementation of a more robust governance structure and supporting processes which foster trust among ALL stakeholders is a critical next step in achieving operational stability.

   The Committee is in agreement that any new governance structure should be supported by a new principle-based Memorandum of Understanding among ALL's stakeholders, confirming the Library's mission, funding contributions by funder, and establishing high-level collection and service standards. It should also enshrine the funders' commitment to consultation with all stakeholders prior to implementation of decisions which could impact ALL's execution of its mission.

3. The assumption that all legal information is either available for free on the internet or through paid subscriptions is false. No database carries all legal texts; some materials are only available in print. Doing proper legal research online is often an impossible task for the average user. When the online format becomes adequate, a transition period will be required for users to familiarize themselves with the resources found in what will be a wholly new library and information services environment.

4. Alberta Justice and Solicitor General and the Law Society of Alberta should work together to promote a national coalition of Ministries of Justice and the Federation of Law Societies, with the objective of addressing copyright/licensing, pricing and usability issues with the two largest legal publishers.

II Introduction

Alberta Law Libraries (ALL) support the administration of justice and the rule of law in the Province of Alberta. ALL manages a comprehensive collection of primary and secondary legal sources, in print and electronic media, and provides reference and legal research services[1] which are delivered by law librarians and support staff.

Alberta Law Libraries Vision:

"We connect you to the world of legal information in an open and innovative environment. When you need it. How you need it."

ALL was created in 2009 by consolidating management of the *Law Society of Alberta Libraries* and the *Alberta Court Libraries*[2]. It is funded by the Government of Alberta, the Law Society of Alberta and the Alberta Law Foundation. "Overall leadership and direction"[3] is provided by a standing committee of the Law Society of Alberta and Alberta Justice and Solicitor General. ALL serves members of the legal profession (lawyers, articling students, and law students), the judiciary and their legal counsel, Alberta Crown Prosecution Services, other government lawyers, and the general public through a network of libraries located at Court of Queen's Bench sitting points[4].

In April 2015, Alberta Justice and Solicitor General convened the **Alberta Law Libraries Review Committee (ALLRC),** comprised of library stakeholders (see Appendix A), to provide strategic guidance and options for the future of Alberta Law Libraries "in a digital age"[5]. Specifically, the ALLRC was asked to

[1] The process of identifying and retrieving information necessary to support legal decision-making. Legal research carried out by librarians generally involves the following: (a) Finding primary sources of law, or primary authority, in a given jurisdiction (cases, statutes, regulations, etc.); (b) Searching secondary authority (for example, texts, law reviews, legal dictionaries, legal treatises, and legal encyclopedias), for background information about a legal topic; and (c) Searching non-legal sources for investigative or supporting information. Sources of legal information range from printed books, to free legal research websites, such as CanLII, to fee databases such as WestlawNext Canada and LexisNexis QuickLaw.

[2] The Alberta Court Libraries was at the time also responsible for management of the Departmental Library, that is, the library of the Department of Justice, now Alberta Justice and Solicitor General.

[3] Joint Library Committee Terms of Reference, August 31, 2007

[4] At the time of the review, ALL comprises 2 resource libraries (Edmonton and Calgary), 2 regional libraries (Red Deer and Lethbridge) and 7 local libraries (Fort McMurray, St. Paul, Grande Prairie, Peace River, Wetaskiwin, Drumheller, and Medicine Hat). There are also separate judicial (4), Crown (2) and Departmental (1) law libraries.

[5] Alberta Law Libraries Review Committee Terms of Reference, April 2015.

provide options and recommendations regarding ALL's mission (i.e., scope and purpose), operating (i.e., service delivery) model, funding and governance. A consultant[6] was engaged to facilitate the work of the Committee.

This report summarizes the work undertaken by the Committee, its conclusions and recommendations.

III Review Approach

The review approach is described briefly below and presented in graphical format as Appendix B.

Following project start-up activities, the consultant reviewed background materials (Appendix C) which provided historical context and included current operational data, preliminary jurisdiction scan information and selected literature on the issues and opportunities faced by law libraries in the digital age.

The consultant met individually with each Committee member to obtain their insights and perspectives on the information and service requirements of their respective constituencies, the role of ALL, and operating and governance challenges and opportunities. The consultant also facilitated six focus group sessions to allow ALL staff to offer their views on these same questions and to gather additional information about the functions of ALL.

Over sixty structured one-on-one and group interviews, in-person and telephone, were conducted with ALL stakeholders (i.e., the judiciary, legal counsel, Alberta Crown Prosecution Service, Legal Services Division, and the legal profession); other players in Alberta's justice system such as the Law Information Centres and Legal Aid Alberta; law firm, municipal and university law libraries; and law libraries in other jurisdictions. Print and electronic surveys were made available to members of the public who visited the libraries over the course of the review and to members of the Law Society of Alberta. In addition, the consultant visited Lethbridge to see, first-hand, the regional library and judicial collection there and to conduct additional interviews with the judiciary, legal counsel, and members of the legal profession. A typical interview guide is provided as Appendix D. Focus group participants and interviewees are listed in Appendices E and F, respectively.

[6] Mary Gibson Consulting Inc.

The feedback from ALL staff, justice system stakeholders and other jurisdictions was presented to and discussed by the ALLRC. The Committee considered this input in assessing the effectiveness and sustainability of the current ALL service delivery model. Committee members identified and considered operating and funding options and, finally, addressed the governance issues which had been identified through the consultation process. The conclusions and recommendations developed through this process were supported by all of the Committee members[7].

IV Findings

The consultation phase of the review was undertaken to obtain feedback on the effectiveness of the current service delivery model, and to solicit ideas regarding changes which might be implemented to enhance service delivery, increase revenues and/or reduce operating costs. Following are the main findings[8] of the consultation with ALL stakeholders and others, in Alberta's justice system and beyond. (See Appendix F for a complete listing of interviewees; detailed comments are provided in Appendices G through K.)

Stakeholder Consultation:

"… if an organization has time to do only one thing when it comes to strategic planning, that one thing ought to be a stakeholder analysis. Stakeholder analyses are critical because the key to success in the public sector is the satisfaction of key stakeholders. If an organization does not know who its stakeholders are, what criteria they use to judge the organization, and how the organization is performing against those criteria, there is little likelihood that the organization will know what it should do to satisfy those stakeholders."

- *John Bryson, Strategic Planning for Public and Nonprofit Organizations – A Guide to Strengthening and Sustaining Organizational Achievement, (3rd Edition), 2004*

Context

The administration of justice is increasingly complex; heavy workloads and insufficient support resources exacerbate the need for efficient and effective access to high quality legal information.

Contributing factors include: the introduction of the *Canadian Charter of Rights and Freedoms* in 1982; the rapid pace of changes to the *Criminal Code of Canada* and other foundational

[7] See Chapter V – Analysis and Chapter VI – Recommendations.
[8] Comments shown in quotation marks were excerpted verbatim from the interview notes.

statutes in recent years; the significant increase in the volume of cases flowing through the Courts; and the large and growing number of self-represented litigants.

Everyone interviewed spoke to staggering workloads and an insufficiency of support resources (e.g., legal counsel, students, paralegals and administrative staff) which exacerbate the need for efficient and effective access to legal information resources.

Importance of Law Libraries

Justice:

"I think of law libraries like pencils, paper and my chair, that is, included in the resources I need to do the job properly."

ALL is an essential element of Alberta's justice system and the rule of law, which are the underpinnings of civil society. ALL is critical to the effective functioning of Alberta's justice system.

Justice system stakeholders operate under an imperative to *"get it right"*. High quality legal information resources are the *"tools of the trade"* for the judiciary, Crown prosecutors, other government lawyers (hereafter referred to as 'staff lawyers) and members of the legal profession. For them, ALL is crucial to achieving an environment of continuous learning and professional development. It is also an important resource for self-represented litigants, who need access to information about the law.

The effective operation of high quality law libraries becomes an access to justice issue; without them[9]:

- The public cannot directly access source material about the law;
- The Court system slows down as judges require more time to decide an issue; and
- Inadequate legal information resources may lead to errors in law. Litigants then face the cost of appellate review or the consequences of unrectified legal error.

Sole practitioners and lawyers in smaller practices, especially those located outside Edmonton and Calgary, indicated ALL was *"very, very important"* to them, both from a professional development perspective and for access to comprehensive legal information resources which would be unaffordable otherwise.

[9] Provincial Court judge

Collection

Separate judicial libraries are an important feature of the current service delivery model.

Justice:

"The judiciary can't be part of a bigger basket of resources accessed by the public or the Crown; it can't be known how we work."

Judicial independence is a cornerstone of the Canadian judicial system. Under the Constitution, the judiciary is separate from and independent of the other two branches of government, the executive and legislative. Judicial independence is a guarantee that judges will make decisions free from influence and based solely on fact and law. It has three components: security of tenure, financial security, and administrative independence[10].

In the main, judicial interviewees tied the need for separate judicial libraries to the principle of judicial independence. Others identified security issues associated with the judiciary using resource libraries to which the public also have access, and practical concerns (availability of resources, confidentiality) with respect to 'sharing' resources.

The scope of required legal resources is far more than statutes and case law. Up-to-date textbooks are crucial to effective and efficient legal research.

In addition to statutes and case law, the judiciary, Crown prosecutors, staff lawyers and members of the legal profession, generally, need access to jurisprudence, key authorities, commentaries and analysis in all areas of the law. They may also need to research issues in subjects in other fields requiring searches of databases or print libraries to which they do not have direct access.

Legal Counsel:

"We're missing some essential texts now….makes research harder."

Textbooks were consistently identified as the best place to start legal research. Textbooks are written by academics who provide *"form and order"* together with intellectual discussion of the law; they articulate legal principles and show how these have evolved over time. Textbooks provide a platform from which the researcher can *"move"*; that is, the textbook will identify the most relevant current cases as well as related commentaries and sources to be consulted.

[10] Department of Justice website, http://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/page4.html

ALL's textbook collection is not comprehensive in all locations and is becoming dated *("some key texts aren't current" – Judicial collection*) in a number of locations. Some books are only available in the resource libraries, where they can be signed out for two weeks and thus may not be available when needed. Others are held as reference material in the resource libraries and are not available for circulation beyond Edmonton and Calgary.

The 2013 budget cuts resulted in a significant reduction in ALL's print resources, to the point that stakeholders say they have fewer resources than they need.

Stakeholders are very concerned about the cancellation of subscriptions and textbooks which are needed to stay current. Judicial print collections were described as *"meagre"* while Crown collections have *"glaring"* holes (e.g., *Diagnostic and Statistical Manual of Mental Disorders (DSM5)*). The circulating collection is sometimes inadequate to meet demand; as a result, members of the judiciary, Alberta Crown Prosecution Service, and staff lawyers reported purchasing personal copies of books so that they have them when needed. These issues are particularly acute in the regional and local libraries where *"collections and staff are dwindling"*.

While the use of online legal resources is established across all stakeholder groups, the "digital age" of libraries is, currently, more myth than reality.

Almost without exception, members of the judiciary, legal counsel, Crown prosecutors, staff lawyers and members of the legal profession, as well as the public, are making use of the online resources which are available at the desktop, and also those which are only available at ALL. In some cases, the online resource has become the 'go to' resource e.g., CanLII[11] for post-1990 case law. While those interviewed usually expressed preferences for one service or another, there's no question that the use of online resources is now an everyday part of their work. Some have moved a lot of their work online, even going so far as to acquire applications which make it easier to work with large PDF documents such as trial transcripts.

We are a long way from a fully functional digital library as comprehensive legal resources are not available online. The online resources that are available are expensive and can be cumbersome to use. All the law libraries

[11] CanLII is a non-profit organization managed by the Federation of Law Societies of Canada. CanLII's goal is to make Canadian law accessible for free on the Internet. Its website provides access to court judgments, tribunal decisions, statutes and regulations from all Canadian jurisdictions.

consulted as part of the jurisdiction scan (Appendix L) reported taking a very slow, *"cautious"* approach to the transition to online resources. While stakeholders, including the judiciary, believe that most legal resources will be available online in ten to fifteen years, this is not currently the case.

Many textbooks, the importance of which has already been discussed, are not available online. Law firm librarians in Alberta and law libraries across Canada reported that *"we continue to see lots of content that is only available in print or the online version of which is prohibitively expensive or not shareable due to licensing restrictions."* One legal counsel submitted a list of her *"top thirty"* most commonly used resources, only six of which are currently available online. Others noted that where both online and print versions of a particular resource are available, the print version may contain unique and valuable content: *"The electronic version of Canadian Criminal Jury Instructions only has the text of the charge; the print version also has notes and annotations….the gold. Because this was cancelled by ALL, Appeals purchased its own copy."* Not then, a 'net gain' to the Government of Alberta's bottom line.

In addition, the usability of the current generation of online resources (or, rather, the lack thereof) is a problem in making the transition from print to electronic format. Descriptors such as *"primitive", "not particularly user-friendly", "cumbersome"* and *"not worth the effort"* were used consistently to describe today's online offerings. Search engines are *"not very good"* and *"confusing"*, so that often it's quicker to refer to the print version. It can be difficult to pull up, save, and print extracts; the 'cut and paste' function (essential for including quotations in judgments) often doesn't work properly. The Canadian Association of Law Librarians[12] has attempted to address the 'usability issue' with the major legal publishers, thus far unsuccessfully.

While use of online resources can be very efficient if you know what you're looking for, browsing for relevant portions of online resources was reported to be much less effective than referring to the print version. The significant majority of those interviewed indicated they did not read long documents online, both because they find it more difficult to absorb the information in that format and because of their need to *"mark-up"* as they're reading….something they're more used to doing using a highlighter or pen. And, as is frequently the case in the 'immature' phase of a software sector, the product is

[12] CALL currently has approximately 500 members representing a wide variety of law library interests across Canada. It provides a forum for the exchange of information and ideas among members, fosters cooperation among Canadian law libraries, and plays an active role in promoting access to legal information for all Canadians.

"constantly" changing. There is a *"fatigue factor"* associated with electronic versioning that, in the view of some judiciary and lawyers, distracts them from their *"real work".* In a high-stress work environment, even improvements in online tools can be viewed as another time-waster.

Finally, it is important to understand the process by which members of the legal profession synthesize and analyze legal information from multiple sources in researching issues or writing judgments. Interviewees consistently described the final stages of this process as involving a desk (or library table, or two) full of print resources (or print-offs of long electronic documents) supported by two computer screens with multiple open windows and, at times, an iPad as well (Appendix M), with frequent referencing of the various resources. Even if all legal information resources were online, this process would be difficult to replicate in an entirely digital environment, for all but the very proficient computer user.

Law firm librarians view ALL as the "law library of record" for the province.

Law librarians from six law firms spoke to their firms' ongoing efforts to limit their own collection costs by eliminating duplication and relying on inter-office loans where possible. They too are eliminating as many loose-leaf services as possible…but not without first checking to ensure ALL will maintain the service in the resource libraries available to their lawyers. They rely on ALL to *"fill the gap"* as well as for legal research services. Without ALL, law firms would be forced to increase their own collections, increasing costs which, ultimately, would be passed on to their clients.

Every user group will have some unique collection requirements.

While there is a core set of legal information resources which will be common to all law library users, it is also true that each 'user group' will have unique information needs; for example *"Queen's Bench and Court of Appeal justices would have different lists of essential texts"*.

Knowing who your clients are is fundamental to collection management. If a library serves a broad audience, as does ALL, then a consultative and transparent approach to prioritization of new acquisitions is essential.

Some culling of the existing print collection is likely in order.

Most interviewees agreed that the existing print collections contain materials which are no longer consulted now that these are available online. Print case reporters were often cited as being obsolete *("if we never bought another one*

that would be fine"); since online Canadian case law only extends back to 1990, presumably such a decision would be implemented on a go-forward basis. Some suggested that *"we could get rid of the old statutes"*, old Real Property Reports and Family Law Reports. Historical resources *"could be archived"* as long as they were still accessible if needed.

Role of Law Librarians

The role of the law librarian is viewed as "hugely critical" to the effective operation of ALL and, by extension, to the functioning of Alberta's justice system.

Librarians have technical research skills which, in general, judges and lawyers do not. *"Lawyers don't have the time or skill to do the research…this role is very important."*

In addition to arranging inter-library loans, librarians can find obscure or international resources in a fraction of the time it would take members of the judiciary or legal profession; they understand the resources and can speak to their relative merits. They are research 'aides' ("*Where do I start?*") who understand the intent of legislation. They are tasked with complex research projects and are trusted to "*get it right the first time*".

They represent an efficient use of justice system resources: *"In comparison to Crown counsel, law librarians provide excellent research services at a lower hourly rate. This is a principle that cannot be emphasized strongly enough."*

Chief Crown Prosecutor:

"Librarians are worth every penny."

Justice:

"Worth the money; hire more librarians, fewer judges."

Sole Practitioner:

"Not sure you can have an effective library without a librarian."

The majority of stakeholders interviewed preferred interacting 'face-to-face' with a law librarian.

Research was described as an iterative and creative process which is made more efficient through the dynamic *"back and forth"* of real-time conversation. The presence of a librarian was seen to be especially important when something is needed quickly.

There were exceptions to this preference for face-to-face interactions; generally, these were lawyers who work away from the judicial or resource libraries and are used to interacting with librarians using telephone or email. However, there was agreement on the importance of having 'dedicated'

librarians. *"If you don't have continuity, then you're starting over every time you go back to the librarian. If you do, you're developing the issues together. This is a fantastic resource."*

Librarians provide essential training in legal research as well as valued current awareness services.

Given the workload pressures mentioned previously, Government staff lawyers rely on students to do research. Although young lawyers were described as *"pretty good"* at doing research online, they still don't know where to begin. They need help learning what the legal information resources are and how to use them creatively; the training provided by librarians in this regard is key.

The need for training on what's available and how to use the resources is not restricted to students and new lawyers. Even research lawyers with many years' experience value the research refreshers offered by ALL and admitted to learning about new resources while sitting in on student training sessions. Most value, and regularly use, the current awareness offerings provided by ALL. Interviewees noted that there's been a significant drop-off in proactive delivery of library training since the 2013 budget cuts.

Law librarians have Masters Degrees in Information and Library Studies, whereas lawyers may take one course in legal research, at best, as part of their legal studies. While many of those interviewed wished their research skills were better, the majority view was that attempting to make lawyers, or judges, better researchers wasn't a good use of their skill sets; instead, they recognize and rely on the expertise resident in ALL's librarian staff.

Legal Publishing Industry in Canada

Jurisdiction Scan Interviewee:

"Publisher pricing and licensing restrictions are ridiculous."

The legal publishing industry in Canada is best characterized as an oligopoly, with most legal information (whether in print or electronic formats) provided by two large publishers: Carswell, a Thomson Reuters company, and LexisNexis; it is expected that the remaining few independent legal publishers will in due course be bought up by one of these companies. These two large publishers segment their clients (e.g., government libraries, academic, legal firms), fragmenting their buying power. Law libraries are 'price takers', and are subject to frequent, unpredictable and sometimes extremely large percentage price increases.

In addition, there are significant issues specific to online resources, including questions of ownership, preservation and accessibility. Licensing models are a concern for everyone consulted; the “per seat” model is not viable in many libraries and restricts access to content. Licensing pricing is prohibitive in libraries where usage of material differs greatly depending on the type of user a library serves. Finally, as previously noted, usability of online resources (or lack thereof) is a barrier to moving to the “digital library”.

Previous attempts by the Canadian Association of Law Librarians to address these issue with the two large publishers have, so far, been unsuccessful.

Law Libraries in Other Jurisdictions

As part of the information gathering process, and specifically for the purpose of identifying alternative service, funding and governance models, the consultant interviewed Heads of Courts Administration and law librarians representing the Supreme Court of Canada, Federal Courts Administration, and the Saskatchewan, Manitoba, Ontario, Nova Scotia, and Newfoundland and Labrador justice systems. The main findings are summarized below; detailed information is provided as Appendix L.

- Separate management/administration of law libraries (judicial, Departmental and legal profession) is the norm, although there is widespread movement towards looking for ‘better’ (i.e., more efficient and cost-effective) models.
- In general, the responsible ministry is the sole funder of both the judicial and departmental libraries; libraries serving the legal profession are funded by the provincial law society.
- All jurisdictions reported the same issues, i.e., rising and volatile collection costs, user preference for print resources, with which ALL is grappling.
- No unique or particularly innovative approaches to service delivery were identified.
- Most jurisdictions involve the judiciary in a formal, but advisory, manner with respect to collection management.
- The staffing model is generally far lighter on librarians than Alberta.
- There is a desire to move to greater use of online resources, driven by the need to contain costs; it is acknowledged that this will be a very slow process, and may not address the pricing or collection risks law libraries have experienced for some time.

- There is significantly less emphasis on the role of law libraries in providing the public with legal information, than is the case in Alberta.

V Analysis

A. Overview

The ALLRC was asked to provide options and recommendations regarding ALL's mission (i.e., purpose and scope), operating (i.e., service delivery) model, funding and governance. The analytical framework used by the Committee is described below and is shown in graphical format as Appendix N.

At the highest level of analysis, ALL's mission (its purpose or ***what it does***) drives responses to the funding questions (***who pays for what***, and ***how much***?) which, in turn, impact determination of the optimum governance or decision-making processes for ALL. The service delivery model describes ***'how'*** ALL delivers on its mission. The ALLRC considered the input obtained through the stakeholder consultation in assessing whether the current service delivery model is 'fit for purpose' (i.e., meeting the purpose for which it was designed) and reviewed operational data and cost projections to determine if the current model is 'sustainable' (i.e., able to be maintained at the same level).

If either condition were not satisfied, either an alternative service delivery model would have to be selected and implemented or, if there is no viable option for delivering on the stated mission, then the mission needs to be revisited before addressing funding and governance options.

B. ALL Mission

The ALLRC confirmed ALL's mission by answering the following questions[13]:

> ***What does ALL do?***
>
> *ALL provides and enables access to reliable legal information and research services in support of the administration of justice and the rule of law.*

[13] *Source: Strategic Planning for Public and Nonprofit Organizations – A Guide to Strengthening and Sustaining Organizational Achievement (3rd Edition), John M. Bryson, published by Jossey Bass, 2004*

For whom?

- *Judiciary and their legal counsel*
- *Alberta Crown Prosecution Services*
- *Other government lawyers (aka Legal Services Division)*
- *Members of Alberta's legal profession and associated support personnel (students, paralegals, legal assistants and librarians)*
- *The public*

Where does ALL operate/what is its service area?

The entire geographical area of Alberta.

How does ALL uniquely create value?

By:

- *Drawing upon expert knowledge regarding legal information resources;*
- *Developing and maintaining an understanding of ALL's clients' information needs within the context of Alberta's justice system; and*
- *Preserving historical legal information resources.*

C. Current Service Delivery Model

The Committee's next task was to assess whether ALL's current service delivery model is both 'fit for purpose', i.e. meeting users' needs, and sustainable.

Performance – Is the Current Service Delivery Model 'Fit for Purpose'?

The Committee understands the realities of the Government of Alberta's fiscal situation. However, the stakeholder consultation provides compelling evidence that, despite best efforts, ALL is not meeting user needs. The most that can be said on this count is that library users are *"resigned"* to the current level of service. They are *"making do"* and *"doing the best they can".*

ALL collections have been cut back such that critical legal information resources are either not available or are out-of-date. Judges, Crown prosecutors and staff lawyers regularly purchase reference materials with

'other' government funding (thus not achieving any 'consolidated' savings for the Government of Alberta), judicial allowances and personal funds.

Library staffing has been reduced such that the judiciary, lawyers and the public may be supported on a part-time basis only; this conflicts with the expressed need by all stakeholders for full-time, face-to-face law librarian support. Other Justice and Solicitor General Divisions have hired research assistants and paralegals to fill the ALL staffing gap. The reduction in library staff also results in a less quantifiable, but nevertheless real, loss of time on the part of Crown prosecutors and lawyers, as they attempt to do their own, less efficient, legal research. The Committee's view is that this, together with the resulting increased reliance on 'quicker to access' online resources, helps explain stakeholder feedback that both Crown prosecutors and legal counsel are appearing in court less prepared than they should be.

At current funding levels ALL, which stakeholders described as a "lifeline" supporting the administration of justice, is in serious jeopardy.

Sustainability

In determining whether ALL's service delivery model is sustainable, the Committee considered two aspects:

- Financial sustainability; and
- Staff wellness and organizational capacity.

Financial Sustainability

ALL is funded by the Government of Alberta, the Law Society of Alberta and the Alberta Law Foundation; the Library also collects service fees related to legal research undertaken for members of the legal profession, photocopying/scanning/document delivery, and overdue charges.

In addition to covering all premises costs (utilities, maintenance and insurance) as well as providing business support services (human resources, information technology) the Government of Alberta contributes to ALL's operating budget. In the 2013/14 fiscal year, the Government of Alberta's contribution to ALL was reduced by almost 40% to $3.746 million. The Government is not prepared to provide any additional funding to ALL.

Judge:

"The 2013 budget cuts were a disaster for the judges. If there are any further cuts, we will be compromising access to justice."

The Law Society of Alberta contributes to the provision of legal information resources for its members by allocating a portion of members' fees to CanLII; it also provides grant funding to ALL. Subsequent to the Government of Alberta's decision to reduce its contributions, the Law Society of Alberta reviewed its position with respect to ALL and voted to reduce its contributions (from $913k in 2013/14) as follows:

- 2015/16: $798,200
- 2016/17: $682,600
- 2017/18: $567,000

The Law Society has stated that no additional money will be forthcoming and any planning and initiatives will have to be developed within the current funding envelope.

In 2013/14 the Alberta Law Foundation granted ALL approximately $1.6 million, all of which was applied to acquiring print and electronic resources for ALL's collection. While the Alberta Law Foundation has provided grant funding to ALL for the past forty-two years, the fact is that all grant applications are reviewed on annual basis. There is no funding commitment other than through the application process; each year the Foundation gives highest priority to funding requests related to province-wide initiatives that directly benefit the public. While there are no plans currently to reduce its funding commitment, continuance in the longer term will depend upon funding availability and continued alignment between ALL's mission and these priorities.

ALL's operating expenditures are broken down as follows[14]:

- Collection – 40% (Print: 30%; Online: 10%)
- Wages and related costs – 57%
- Travel and administrative costs – 3%

Appendix O (Option 1) provides *pro forma* financial statements for the 2015/16 through 2017/18 fiscal years, assuming that the Government of Alberta's and the Alberta Law Foundation's contributions are held constant at their 2014/15 levels and that the previously-approved reductions in Law Society of Alberta contributions for those years are implemented.

[14] The Department of Justice and Solicitor General also provides significant contributions in kind, in the form of IT and HR support, facilities costs, etc.

Previously negotiated and projected wage increases and 'average' increases in collection costs were factored in to the financial projections. Operating expenditures are projected to increase from **$6.2 million** in 2015/16 to **$6.8 million** in 2017/18, equal to **0.4%** of the estimated operational expenses of the Department of Justice and Solicitor General[15].

Under these assumptions, ALL will run a deficit in each year without further reductions in the collection, staffing or both.

Three additional funding scenarios were considered (See Appendix P for descriptions of each and pro forma financial statements). Each of these assumes increased levels of funder contributions and/or an increase in user fees, while holding operating expenditures constant. That is, they show the impact on ALL's bottom line, all other things being equal and without taking into account any one-time or recurring expenditures associated with changing the ALL service delivery model.

Table 1 summarizes the financial results, by fiscal year, under each option. The greater surplus (or, in the case of Option 1, the smaller deficit) occurs in the 2016/17 fiscal year. This is because under each option, any increase in revenue in 2017/18 is more than offset by the increase in wages and collection costs.

An increase in user fees, even a proportionately significant one, is an untested basis for making operating decisions with respect to collection management or staffing; that is, we have no information regarding their predictability or price-sensitivity. In addition, the *pro forma* statements do not include any incremental costs associated with administration of the proposed user fees; at current staffing levels, ALL lacks the capacity to administer user fees[16]. If the projections regarding user fees under Option 2 ($550,307) are not realized, ALL would likely incur a deficit in each of 2016/17 and 2017/18.

The change in relative contributions by funder from 2014/15, under each of the options is shown in Table 2.

Options 2, 3 and 4 were undertaken as part of the Committee's analytical process and are included in this report for the sake of completeness. The options are not endorsed, nor recommended, nor have they been explored fully by the Committee. Since increased funder options are not 'on the table', these options are to be seen as examples for potential funding options for information purposes only.

[15] Justice and Solicitor General Business Plan, 2014-17.
[16] Source: ALL Director

Table 1 – Summary of Funding Options

	Excess (Deficiency) of Revenues Over Expenses		
	2015/16	**2016/17**	**2017/18**
Option 1 – GoA/ALF funding held constant at 2014/15 level; LSA contributions as voted	($ 14,603)	($ 468,298)	($ 898,369)
Option 2 – Increased Funder Contributions & User Fees	$ 61,234	$ 463,511	$ 279,444
Option 3 – Law Society of Alberta Library Levy	($ 14,603)	$ 670,602	$ 366,131
Option 4 – Restoration of 2013/14 Funding Levels	($ 14,603)	$1,238,088	$ 933,617

Table 2 – Relative Contributions by Funder

	Percentage Contributions				
	2014/15[17]	**Option 1**	**Option 2**	**Option 3**	**Option 4**
GoA	59	63	56	52	67
Alberta Law Foundation	25	27	24	22	20
Law Society of Alberta	14	9	12	25	12
Service Fees	2	1	8	1	1

[17] Audited 2014/15 financial statements

Staff Wellness and Organizational Capacity

Both Committee and stakeholder feedback was consistent in regard to ALL's people…the staff are universally regarded as *"exceptional"… "everything you want them to be"….provide a "top notch service….responsive, resourceful". Display enormous "dedication to the task"….would be "lost" without them… "So supportive"*.

In the focus groups, staff identified the strength of their team as one of the major elements of the service delivery model which is working well: *"We know what we have, what we can do and how we can use it to deliver the services required." "We work well as a team." "We love our work….we're passionate about what we do."*

This feedback was tempered by a strong and consistent message (from ALL staff and from their law librarian colleagues with whom they interact) that staff are at the breaking point: *"Have been "to hell and back"; "bleeding & dying right now"; "miserable"; "super short-staffed"; "it's chaos right now"; "we're like a hamster wheel, trying to keep the doors open."*

Staff development has been curtailed due to budget constraints. Legal research training for library users has essentially ceased (apart from one-on-one ad hoc sessions) and staff are unable to move forward on the Library's strategic plan.

Finally, ALL staff are stressed to an unhealthy degree as they attempt to satisfy the needs of library users under constrained operating conditions.

Summary Assessment

In summary, the current service delivery model was assessed as not being fit for purpose. Nor is it sustainable from either a financial or staff wellness/organizational capacity perspective.

D. Alternative Service Delivery Models

Given that the current service delivery model is not, at the current funding level, fit-for-purpose or sustainable, the Committee considered whether there are others which might enable ALL to fulfill its mission sustainably.

The review timelines did not allow for extensive information gathering and analysis on this important question. Ideas and suggestions were obtained through the stakeholder consultation; information was also gathered through the jurisdiction scan. A very brief literature review was conducted. The dimensions which comprise a library service delivery model, and the way in which these have been operationalized by ALL, are described in Table 3.

These dimensions represent the 'levers' which could, theoretically, be modified to create new approaches to service delivery (e.g., changing the law librarian to library coordinator ratio to reduce staffing costs).

The Committee looked at two options (Appendix Q) but concluded that one was not financially sustainable (and in fact exacerbates the Government of Alberta's funding challenges), while the other would not meet the expressed needs of library users. Neither were any innovative or viable options identified through the jurisdiction scan.

As previously discussed, it is not currently feasible (nor, from the users' perspective, necessarily desirable) to move to a completely 'digital' law library. Nor has it been established that this would, in the mid-to-longer terms, ultimately result in significant cost savings.

Table 3 – ALL Service Delivery Model

Element	As Operationalized by ALL
Organization of physical collection	*User oriented*: judiciary, Crown, staff lawyer, open to legal profession and the public *Tiered*: comprehensive resource, regional and local
Format	Online and print
Services	Collection management Reference Research Circulation and inter-library loans Development of research guides & current awareness offerings Training on use of library resources
Law Librarian – Library Coordinator Ratio	*Judicial, Crown and resource libraries* – 14 law librarians, 3 library technicians (17 FTEs) *Regional and local libraries* – 8 library coordinators (5 FTEs)
Staff coverage	*Judicial libraries* • QB/CA (Edmonton) – full-time • Provincial (Edmonton) – full-time • PC/QB (Calgary) – full-time • CA (Calgary) – part-time *Crown – full-time* *Legal services – none (vacant)* *Resource libraries – full-time* *Regional and local libraries – all part-time*

E. Conclusions

ALL is at a critical decision point with respect to its future. The review and analysis undertaken by the Committee have established the following:

- ALL is an essential element of Alberta's justice system and the rule of law. It is critical to the effective functioning of Alberta's justice system.
- ALL's current service delivery model is not meeting the needs of the library users.
- Maintaining current funding levels or proceeding with planned reductions in funding would result in further cuts to staff or the ALL collection to levels which would be unacceptable to library users.
- No service delivery alternatives have been identified which would be acceptable to the library users, would maintain or enhance ALL services and which would be sustainable given expressed funding constraints.

VI Recommendations

The ALLRC recommends the following:

1. More funding is required. ALL funders should meet at the earliest opportunity to explore a sustainable funding regime which will enable ALL to maintain, for the long term, a high quality collection and library services.

   The Committee recognizes that discussion and implementation of any changes will take time; in the interim, bridge funding may be required to meet the needs of library users and address staff wellness issues.

2. The existing governance model is not working. Design and implementation of a more robust governance structure and supporting processes which foster trust among ALL stakeholders is a critical next step in achieving operational stability. The Committee is in agreement that any new governance structure should be supported by a new principle-based Memorandum of Understanding among ALL's stakeholders, confirming the Library's mission, funding contributions by funder and establishing high-level operating or service standards. It should also enshrine the funders' commitment to consultation

Governance

"Governance determines who has authority, who makes decisions, how other players make their voice heard and how account is rendered."

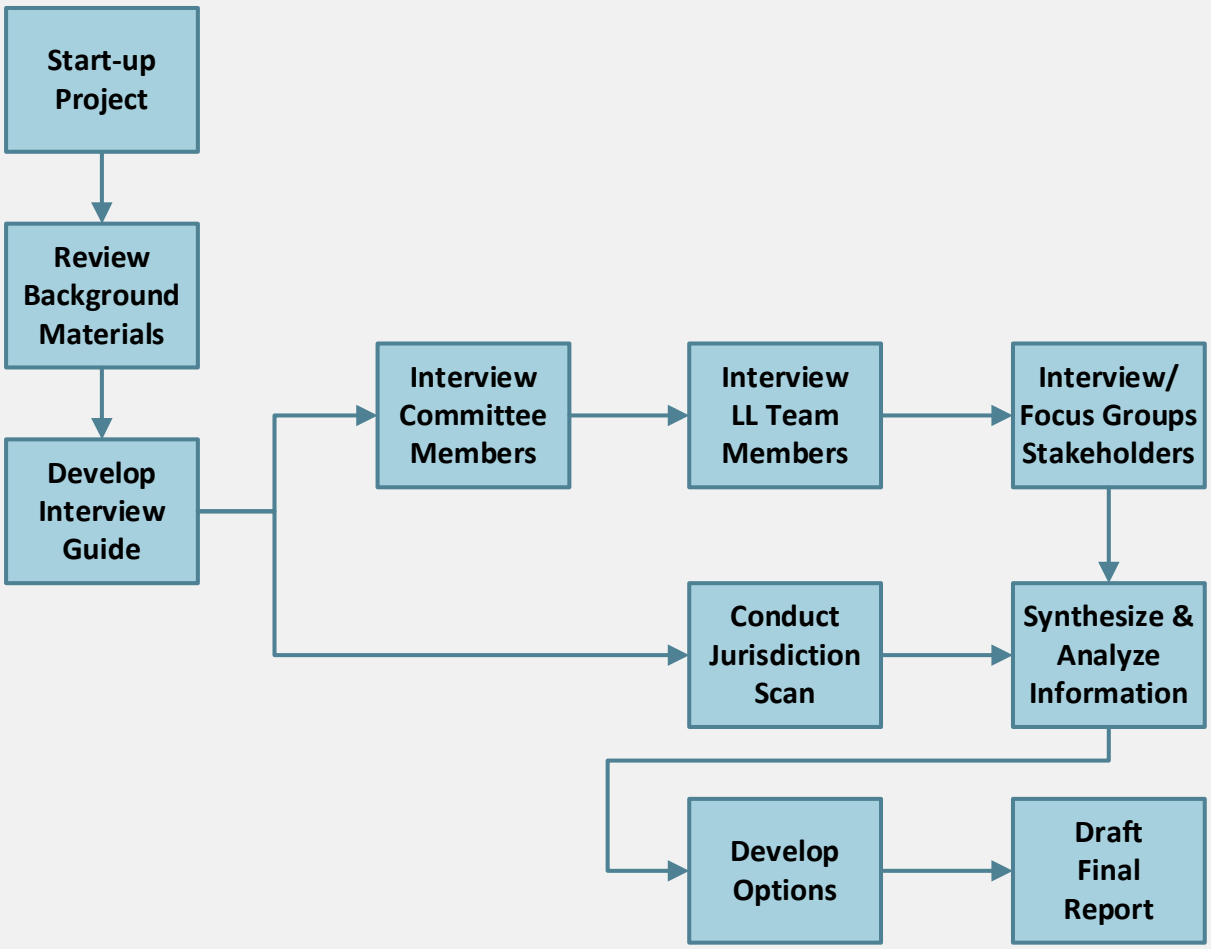
with all stakeholders prior to implementation of decisions which would impact the mission or service delivery of ALL.

3. The assumption that all legal information is either available for free on the internet or through paid subscriptions is false. No database carries all legal texts; some materials are only available in print. Doing proper legal research online is often an impossible task for the average user. When the online format becomes adequate and the pricing represents a cost savings, a transition period will be required for users to familiarize themselves with the resources found in what will be a wholly new library and information services environment.
4. Alberta Justice and Solicitor General and the Law Society of Alberta should work together to promote a national coalition of Ministries of Justice and the Federation of Law Societies, with the objective of addressing copyright/licensing, pricing and usability issues with the two largest legal publishers.

Appendix A – Alberta Law Libraries Review Committee Members

- **Executive Director, Resolution Services, Alberta Justice and Solicitor General (Chair)**
  - Faye Morrison
- **Law Society of Alberta**
  - Sarah King-D'Souza Q.C.
  - Drew Thomson
- **Alberta Law Foundation**
  - Anthony Young Q.C.
- **Public Member**
  - Brian LeMessurier
- **Registrar, Court of Appeal**
  - Mary MacDonald
- **Executive Director, Court of Queen's Bench**
  - Corinne Jamieson
- **Executive Director, Provincial Court**
  - Ron Hewitt, Q.C.
- **Alberta Crown Prosecution Service**
  - Margot Engley, Policy Counsel
- **Legal Services Division, Alberta Justice and Solicitor General**
  - Kate Bridgett, Barrister and Solicitor
- **Legal Counsel, Head Office, Alberta Justice and Solicitor General**
  - Stacey Grubb
- **Director, Alberta Law Libraries and Information Services**
  - Sonia Poulin

Appendix B – Review Approach



Appendix C – Background Materials

Part A	
A-1	Alberta Law Libraries Review Terms of Reference - April 2015
A-2	Reinventing Law Libraries in Canada: a unique business model in Alberta – Poulin, Sonia; O'Neill, Rhonda – June 2012, International Federation of Library Associations and Institutions (IFLA) Conference, Helsinki, Finland)
A-3	1949 Agreement Between the Government of Alberta and the Law Society of Alberta
A-4	1965 Agreement amending the 1949 Agreement Between the Government of Alberta and the Law Society of Alberta
A-5	Joint Library Committee Terms of Reference – September 27 2007
A-6	Alberta Law Libraries Review (ALLR) Business Case – May 28 2007
A-7	2014-15 Alberta Law Libraries Budget (Actuals)
A-8	Alberta Justice and Solicitor General Organizational Structure – June 1 2015
A-9	Alberta Law Libraries Organizational Chart – May 2015
A-10	Joint Library Committee Member Governance Models Summary: Alberta Law Foundation (ALF), Law Society of Alberta (LSA), Government of Alberta (Justice and Solicitor General (prior to 2015 Alberta election)
A-11	2014-17 Alberta Law Libraries Strategic Plan
A-12	2009-13 Alberta Law Libraries Strategic Plan
A-13	Alberta Law Libraries: An Active Participant in Access to Justice (A2J): Current Services, Present Challenges and Future Opportunities
A-14	Alberta Law Libraries Collection Overview – February 2015
A-15	Cross-Jurisdictional Library Comparison (external version)

Part A	
A-16	Cross-Jurisdictional Library Comparison (internal working document)
A-17	ALL Business Plan 2010
A-18	2015-16 Alberta Law Foundation grant application
A-19	2014-15 Joint Library Committee grant application
A-20	2013-14 Joint Library Committee audited financial statements
A-21	Kirby Report excerpts
Part B	
B-1	Law Libraries and Access to Justice: A Report of the American Association of Law Libraries, Special Committee on Access to Justice, July 2014
B-2	Turning Challenges into Opportunities: New Directions for Legal Information Professions / by Robert Ambrogi
B-3	What's New in Libraries: Innovation and Rationalization to Sustain the Library's Future / by Bruce E. Massis
B-4	Ontario Law Libraries Report: The Evolution of Legal Information and Library Services in Ontario, October 15 2014
B-5	Internet article from *The Telegraph*: "Libraries could outlast the internet, head of British Library says" (http://www.telegraph.co.uk/culture/hay-festival/11627276/Libraries-could-outlast-the-internet-head-of-British-Library-says.html)
B-6	B.C. Courthouse Library Society Governance Model: Constitution and Bylaws – May 2015

Appendix D – Generic Interview Guide

Role/Services/Clients

1. From your perspective/your constituency, what role and how important do the ALL play in terms of supporting:
    a. The self-litigating public
    b. Competency of the legal profession
    c. The judiciary
    d. Crown prosecution
    e. Legal Services Division
    f. And, at the highest level....access to justice?
2. What features/services, are most critical for each of these (to the extent not answered in (2) above?
3. What ALL library services (collections, reference, and research) do you/your constituency use? Could some of these be dispensed with? Are there additional ones which could/should be added?
4. What percentage of the law library resources that you use are digital? Do you prefer to use print resources and, if so, why?
5. What resources AREN'T available on-line?
6. Do you think (you/your constituency) has a good handle on the resources/services available through ALL? If not, why not?
7. What other libraries do you draw upon (if any)? What for? Do they have particular features (collections, services) for which you're looking?

Challenges and Opportunities

8. What's working well at ALL? What could be improved?
9. What do you see as the issues in terms of:
    a. Governance
    b. Funding
    c. Operations

10. What's your vision for ALL? What do you think it 'should be' going forward (in terms of collection (extent, type (digital or print), clients and services)?

Operations

11. How important is close physical proximity to a 'live' librarian to you/your constituency? Any other comments about the physical space of ALL?
12. Any thoughts on consolidating all the (Edmonton and Calgary) into one physical space in each city?
13. What kinds of training/support are required as more (and better?) resources are on-line?
14. How do you see as the necessary 'balance' between 'resource' and 'specialized' or 'local' libraries.....does this change in a world in which more resources are digital?

Funding

15. Who do you think should bear the cost of the ALL?

General Project

16. Are there jurisdictions of which you're aware/that you think we should look at in terms of 'justice system' law libraries best practice?
17. Any other background material/studies we should review?
18. Any other comments/input?

Appendix E – Team Focus Groups

Group 1	Group 2
• Julie Olson • Jane Cavanagh • Denise Thompson • Linda Jonzon • Sophie Song • Darlene Sapach	• Tara McTaggart • Grant Janzen • Christine Baird • Beth Ernst • Victoria Potter
Group 3	**Group 4**
• Vasu Patel • Rachel Appleby • Holly Booth • Lola Salami • Julia Brewster	• Sandra Young • Chris Kaip • Leslie Keith • Helen Lowman
Group 5	**Group 6**
• Anke Eastwood • Susan Frame • Elaine Mayer • Linda Harmata • Maria Ypma • Christine Stone • Sylvia Martin	• Lynn Beattie • Shelley Buckler • Heather Wylie • Jonathan Davidson • Dale Barrie

Appendix F – Interviews

- **Court of Appeal**
  - **Judiciary**
    - Honourable Mr. Justice F.F. Slatter
    - Honourable Mr. Justice J. Watson
  - **Legal Counsel**
    - Richard Bruyer
    - Catrin Coe
    - Andrew Foster
    - Lisa Hynes
    - Alex Liu
    - Deana MacFayden
    - Ed Picard
    - Laurel Watson
- **Court of Queen's Bench – Judiciary**
  - **Judiciary**
    - Honourable Madam Justice M.G. Crighton
    - Honourable Mr. Justice R.A. Graesser
    - Honourable J.D. Rooke, Associate Chief Justice
    - Honourable Madam Justice J.B. Veit
  - **Legal Counsel**
    - Nicky Brink
    - Jane Fagnan
    - Julie Laliberté
    - Matt Sommerfeldt

Appendix F (Interviews – cont'd.)

- **Provincial Court**
  - **Judiciary**
    - Honourable M. Allen
    - Honourable J.N. LeGrandeur, Assistant Chief Judge
    - Honourable T.J. Matchett, Chief Judge
  - **Legal Counsel**
    - Marvin Bloos
    - Tracey Davis
    - Oliver Jull
    - Lynda Jenkins
    - Tammy Perlich
    - Michelle Roy
    - Neil Skinner
    - Kate Welsh
- **Alberta Crown Prosecution Service**
  - Elliot Baker, Crown Prosecutor, Calgary
  - Bina Border, Chief Crown Prosecutor, Red Deer
  - Josh Hawkes Q.C., Director Appeals Unit, Calgary
  - Karen Hewitt, Organized Crime Prosecutor, Edmonton
  - Susan Pepper, Assistant Chief Crown Prosecutor, Calgary
  - Lloyd Robertson, Chief Crown Prosecutor, Calgary
- **Alberta Justice and Solicitor General Legal Services Division**
  - Alice Barnsley-Kamal, Barrister and Solicitor, Constitutional Law
  - Clara Cerminara, Solicitor, Legislative Reform
  - Heather Innes, Solicitor, Legal Services
  - Marlene Poon, Solicitor, Legislative Reform
  - Michelle Wozny, Information Officer, Organizational Learning Office

Appendix F (Interviews – cont'd.)

- **Legal Profession (Non-government)**
  - Rachel Bilsland, Calgary
  - Sharon Crooks, Sylvan Lake
  - Rob Harvie Q.C., Lethbridge
  - Bruce Hepburn Q.C., Lethbridge
  - Linda Jensen, Canmore
  - Jason McKen, Fort McMurray
  - Hugh Sommerville, Drumheller
- **Others**
  - **Law Information Centres/Family Law Information Centres**
    - Barb Petryk, Manager
    - Carol Smith, Team Lead
  - **Legal Aid Alberta**
    - Rosemarie Boll, Staff Lawyer
    - Deanne Friesen, Vice President, Legal Services Centre
  - **Law Librarians**
    - Christie MacKinnon, Bennett-Jones
    - Judy Oberg, Bishop McKenzie LP
    - Josette McEachern, Field Law
    - Megan Siu, Emery Jamieson
    - Shaunna Mireau, Field Law
    - Jane Symons, Field Law
    - Jason Wong, McCarthy-Tetreault
    - Jacqueline DeGreeve, Burnett Duckworth Palmer
  - **University of Calgary Law Library**
    - Kim Clarke, Associate Vice Provost of Research Services for Libraries and Cultural Resources

Appendix F (Interviews – cont'd.)

- **University of Alberta Library**
  - Kathryn Arbuckle, Associate University Librarian
- **Calgary Public Library**
  - Jerry Fawcett, Civic Literacy Librarian
- **Edmonton Public Library**
  - Mona Bacon, Generalist Librarian
- **Supreme Court of Canada**
  - Roger Bilodeau, Registrar
  - Rosalie Fox, Librarian
- **Federal Court**
  - Honourable Paul Crampton, Chief Justice
  - Paul Sawa, Librarian
- **Alberta Justice and Solicitor General**
  - Lynn Varty, Assistant Deputy Minister, Resolution and Court Administration Services
- **Saskatchewan Ministry of Justice**
  - Glennis Bihun, Executive Director, Court Services
  - Jan Turner, Assistant Deputy Minister, Courts and Tribunals Section
- **Manitoba Justice**
  - Shauna Curtin, ADM, Courts Division
- **Ontario Ministry of the Attorney General**
  - Louise Hamel, Manager, Judges' Library
- **Newfoundland and Labrador**
  - Pamela Ryder-Lahey, Chief Administrative Officer, Supreme Court of Newfoundland and Labrador
  - Gail Hogan, Library Director, Law Society of Newfoundland and Labrador

- **Nova Scotia**
  - Debra Copeman, Nova Scotia Barristers Society Librarian
  - Donata Krakowski-White, Judges' Librarian
  - Kenneth Winch, Executive Director, Court Services, Department of Justice

Appendix G – Courts

Court of Appeal

Overview

The Court of Appeal, which sits in Calgary and Edmonton, hears criminal appeals from the Provincial Court and both criminal and civil appeals from the Court of Queen's Bench. It also hears appeals from administrative and board tribunals. In addition, the Court of Appeal may be asked to provide an opinion on questions referred to it by the Lieutenant Governor in Council under the Judicature Act. The Court of Appeal does not re-try cases; rather, the Court of Appeal reviews the record to determine whether errors of law or fact were made in a decision.

Justices of the Court of Appeal are appointed by the federal government under Section 96 of the *Constitution Act 1867* and their salaries are paid by the federal government; however, administration of justice is a provincial responsibility. Court of Appeal Justices are supported in their work by legal counsel, on a (roughly) 1.5 (Justices):1 (legal counsel) ratio.

In Edmonton, the Court of Appeal and the Court of Queen's Bench share a judicial library, which is staffed full-time[18] by a law librarian. In Calgary, the Court of Appeal has its own library, which is staffed on a part-time basis. The judicial chambers and library in Calgary are located in the TransCanada Tower, a walk of approximately 10 – 15 minutes from the Calgary Courts Centre and the resource library located there.

The following comments were provided by Court of Appeal Justices and legal counsel. Where it is helpful to interpretation of the comment, the source (Justice or Legal Counsel) is noted.

Feedback

Context

- The Court of Appeal is the final court of appeal for 99%[19] of the cases tried in Alberta, i.e., it is the highest court of the province and gets all the big stuff. It is imperative that judges get it right….this goes to the rule of law, which is the underpinning of civil society.

[18] The caveat to "full time" is that, due to staff cutbacks, all Edmonton-based librarians need to spend some time staffing the reference desk in the Edmonton Law Courts resource library.
[19] Source: Registrar, Court of Appeal

- *On importance of legal information resources:*
    - Concerned that nobody understands judges' needs in terms of access to legal information and research services. Judges need access to jurisprudence, case law, commentaries and analysis; often they need to research quite technical issues in subjects (e.g., engineering) beyond the field of law.
    - The law changes very quickly, and we can't make a blunder, or miss something in the statute. One error can result in a decision being overturned, and a re-trial could cost the public $250k. The Court of Appeal is seeing more re-hearings because of errors in the lower courts.
    - ALL is an essential component of the infrastructure of the justice system. We want our courts to be well-funded. We want judges to have the tools they need. If they don't, we're relying on all the other justice system players to get it right…but they also need the law libraries.
- The Court of Appeal can't share resources with other parts of government….undercuts judicial independence. This includes having a dedicated librarian. Can't go to the 2nd Floor resource library, which is open to the legal profession, generally, and to the public.(*Justice*)

Collection

- Textbooks are the best place to start research, and very few of these are online; those that do exist in electronic format aren't good replacements for the print version.
- Concerned about cancellation of certain subscriptions….especially major texts and loose-leaf services which are needed to stay current. This is a big problem. Some loose-leaf services (e.g., Holden's *Annotated Bankruptcy and Insolvency Act*, Bristow's *Construction, Builders' and Mechanics' Liens in Canada*) are not kept up-to-date; this is dangerous, almost worse than not having them at all. (*Legal Counsel*)
- The judicial collection in Calgary is very meagre….not many texts and some key texts (e.g., leading oil and gas law text) aren't current. Can get the newer edition from the Calgary Courts Centre library but can only sign it out for a limited time; as this is a frequently-used resource, it's just not practical. Ended up borrowing a personal copy of one of the judges. With circulating materials you're basically at the mercy of the inter-library loan periods.(*Legal Counsel*)

- Requirement for print depends on how much is available online. Leading problem right now is that some, but not all, resources are online….only six of the top thirty most commonly used resources are available online, so in many instances you still need to refer to a print resource. Justices don't have enough access to these….seeing a diminishing of key resources. The result is that justices are buying their own resources (periodicals, textbooks) as these need to be current.(*Legal Counsel*)
- Right now, while I can "see" that an authority exists online, I can't necessarily access it online if it's not part of my subscription. Any major shift from print to online resources would have to ensure (at a minimum) that there is a corresponding increase in the scope of existing subscriptions.(*Legal Counsel*)
- May be far more time-consuming to do some research online….this matters, as my time is at a premium.(*Justice*)
- Online statutes are fine…easy to do side-by-side comparisons back to 2000; prior to 2000 the statutes are not online so need print versions.
- There are some resources that could be dropped. Case reporters are essentially useless….if we never bought another one, that would be fine. Okay to archive historical resources but make sure they're still accessible.*(Legal Counsel)*

Role of Librarians

- Hugely critical. Librarians are pathfinders and can authenticate resources. They are trained in the science of research. Librarians have technical research skills which, in general, judges and lawyers don't have. Need a capable researcher, with appropriate training. There are times we can't find things but the librarian can.
- On physical proximity to the librarian:
    - Service is great when the librarian is here.*(Legal Counsel)*
    - Still need a live body…not the same talking on the phone, we need face-to-face.(*Justice*)
    - Comfortable emailing or phoning a librarian for help; only go over to the library if I'm in a hurry and need a book.(*Calgary Legal Counsel)*
- The librarian can organize an inter-library loan in seconds versus the hour it would take us. One justice (*not interviewed*) uses the librarian for assistance on comparative work drawing upon Australian, United Kingdom, New Zealand and US common law.

- Worth the money; hire more librarians, fewer judges.
- Would appreciate more training on what's available and how to use the resources.(*Legal Counsel*)

Court of Queen's Bench

Overview

The Court of Queen's Bench is the Superior Trial Court for the Province, hearing trials in civil and criminal matters and appeals from decisions of the Provincial Court. The Chief Justice and other Justices of the Court of Queen's Bench are also judges of Surrogate Matters, which has jurisdiction over probate and administration of estate matters.

Justices of the Court of Queen's Bench are also appointed by the federal government under Section 96 of the *Constitution Act 1867.* The eighty-three Court of Queen's Bench Justices are supported in their work by eleven legal counsel.

In Edmonton, the Court of Appeal and the Court of Queen's Bench share a judicial library, which is staffed full-time[20] by a law librarian. In Calgary, the Court of Queen's Bench and the Provincial Court share a library, also staffed full-time by a law librarian.

The following comments were provided by Court of Queen's Bench Justices and legal counsel. Where important to interpretation of the comment, the source (Justice or Legal Counsel) is noted.

Context

- *On importance of legal information resources:*
    - I think of libraries like pencils, paper and chair….that is, included in the resources I need to do the job properly.
    - We use the library; we need it. Everyone thinks the library is an essential part of our work….a lifeline. It's not something to be taken lightly….we feel their budget cuts, definitely.(*Legal Counsel*)
    - Most lawyers appearing in Court are using only online resources….they rarely reference texts, commentaries, Law Review articles etc…..their work is inadequate so judges have to fill in the gaps. Lawyers often don't go back to first principles…so this is work judges have to undertake to create good law.(*Justices*)
    - Sometimes the parties provide a rationale supporting a decision, but sometimes not, or the judge may want to explore a particular angle further.(*Legal Counsel*)

[20] The caveat to "full time" is that, due to staff cutbacks, all Edmonton-based librarians need to spend some time staffing the reference desk in the Edmonton Law Courts resource library.

- *On the need for segregated resources:*
    - Don't want to be in the same library, looking up the same issues as counsel, so don't use the 2nd Floor resource Library (*open to government lawyers, the legal profession generally and to the public*).(*Justice*)
    - Judiciary can't be part of a bigger basket of resources accessed by the public or the Crown….it can't be known how we work.(*Justice*)
    - From time to time I will go to the 2nd Floor resource library; I'm less concerned than others re: issues of security or perceived conflict of interest. (*Justice*)

Collection

- Really bad the way they're cutting back on books here….makes research harder.(*Legal Counsel*)
- Problem with reduction in print materials is that not all resources are online, in usable format. Expect they will be in 10 – 15 years.(*Justice*)
- Loose-leaf services in 5th Floor judicial (*CA/QB*) Library are not being updated; have big yellow stickies indicating the date last updated. There's likely a copy in the 2nd Floor resource library but may be signed out for several weeks. About half the issues I work on have tight deadlines; I'll try to see if the resource is available elsewhere in the system and, if not, will just forego or look for alternative resources.(*Legal Counsel*)
- We need up-to-date texts. Some books are only available in the main (*resource*) library and that causes a real problem, as they may be signed out for two weeks. If the Justice isn't getting an answer, this could result in an adjournment. Print collection is hugely reduced.
- Not just texts but commentaries are important. Need key authorities in each area of the law. These are updated every few years and are not available online. Essential for any law library.
- In the smaller centres, collection and staff are dwindling. There's nothing in the judges' offices. There needs to be adequate resources here.
- Could maybe get rid of some of the old statutes; on the other hand, I recently referred to some legislation from the 1800s. The 2nd Floor library has rows and rows of old reporters and I would guess that not many are used; these could be solely online. Some old Real Property Reports and Family Law

Reports aren't used and could be culled. Old Alberta Reports/Alberta Law Reports should be retained as these are used extensively and are still good law.(*Legal Counsel*)

- Shouldn't be a lot of space taken up with Law Reports if historical documents are available in databases. Case law should be accessed online.(*Justice*)
- *On importance of texts:*
    - Use text to get an overview….then use online resources to 'hone in'; you can't start with a key word search. .
    - Texts are key….both current and older texts which are still relevant or, in some cases, the leading text.
    - Texts save time, when they're available and current. Don't always have time to order a text from the U. of C. law library; a judge may want an answer in 15 minutes. We can run down to the library and look it up, IF the text is there.
    - Starting point is basic text, because you're starting from a legal principle and working it forward to see how the law has evolved. The principle or concept may have been first articulated in the 1800s.
    - Texts are the starting point for research; they provide the fundamentals of the law. From there you can get a case and plug it into CanLII.
- *On use of online resources:*
    - Graduated law school in 1964 (pre-computer), but think those judges who don't use computers are a dying breed. Looking up Canadian case law is relatively easy.(*Justice*)
    - Very comfortable with online resources, but a lot of standard texts are not online.(*Legal counsel*)
    - Case law is 100% online….but not for cases before 1990.(*Justice*)
    - Primarily use CanLII, QuickLaw. Consider myself somewhat proficient at this.(*Justice*)
    - Use my iPad and I love it. Do most of my work at home and like the portability of the iPad; load up content and do my reading at home. (*Justice*)
    - Use both print and online resources.(*Legal Counsel*)
    - Use the computer for editing. Have tried to use the computer for research and find it less efficient. Do use CanLII when looking for

something; this works because it's amenable to the use of key words/syntax structures that I can manage.(*Justice*)

- A very small minority of the judges (maybe 2?) won't use the computer. Some have basic proficiency with the databases but don't have time to stay current.(*Legal Counsel*)
- An 'all digital' library would suck big-time.(*Legal Counsel*)

- *On usability of online resources:*
  - The search engines for many online databases are not very good, so often it's easier/quicker to use the print version.(*Legal Counsel*)
  - Historical research is almost impossible to do online….even if it is digitized, the search capacity is very limited.(*Legal Counsel*)
  - Can browse online, but navigation is confusing even for me, and I'm very online literate. You can't hunt for things in QuickLaw, there isn't the equivalent of the index at the back of the book. In WestLaw you can save things to folders which is some help.(*Legal Counsel*)
  - Tend to use print resources (Ewaschuck) for criminal research; the online resource (Criminal Spectrum) isn't worth the effort.(*Legal Counsel*)
- *Reading online:*
  - A lot of texts have poor indices, so you end up having to read chapters to find what you're looking for. You're not going to do this online.
  - Reading online is difficult; I read with a pen/highlighter in hand.
  - There's a real difference between flipping through a textbook and browsing online. The print index will vary from one text to another; you have to figure out the taxonomy; this is harder to do with online resources. That being said, electronic searching is also a big part of legal research.
  - Harder to absorb by reading online…need to print. Reading case digests online is fine.

Role of Librarian

- Normal 'run of the mill' questions/projects don't come to the legal counsel…generally we get stuff that hasn't been dealt with before in Canada. Librarian is a good resource to bounce things off of…. "Where should I start?" Usually will have tried it myself but go to the librarian to take it to the next level.

- Librarian knows what exists and how to get it. Can chase things down which are at other libraries or difficult for us to get (e.g., some articles, legislative materials, international resources).
- Comfortable enough myself with online resources but still not good at putting together a Boolean search….can't phrase the request in such a way as to get back useful material.(*Justice*)
- Librarians have research skills and up-to-date knowledge about the online resources…we're pretty dependent on the librarians.(*Legal counsel*)
- Use librarians for research on discrete questions and for legislative research. The latter is particularly tricky; if you don't do it a lot, you can make a mistake. Some of our librarians are really exceptional at this and we trust them to do it right. Librarians are good at understanding the legislative intention.(*Legal counsel*)
- Gateway to inter-library loans, which is even more important now with the reduction in the print collection.
- Helps me navigate CanLII and provides good service in terms of researching statute history….can't use them effectively online.(*Justice*)
- Enable access to US materials. Had a decision in a case where a particular branch of the government wants to shut down a motel on the inference that it's a hotbed of criminal activity. I had read about a decision going to the US Supreme Court on the rights of police to ask for registration information without a warrant. I didn't have access to US case law, but the librarian was able to get information on the appeal and a time estimate for the Supreme Court decision.(*Justice*)
- On physical proximity to the librarian:
    - Human resource in judges' library is very, very important, especially for those situations in which I need something quickly.(*Justice*)
    - Physical presence of a librarian is very helpful.(*Legal Counsel*)
    - Physical proximity is important….for the 'back and forth' dialogue which occurs when you're scoping out a research question and following the research 'trail' (*Justice*).
    - Librarians act as a sounding board….you reach a point where you're stuck and aren't sure which research branch to take. They'll make suggestions. (*Legal Counsel*)
    - Physical proximity isn't that important…could be in the same building or just available by phone.(*Justice*)

- If the librarian isn't there (*in the judicial library*) will wait until there is a live person.*(Justice)*
- Content with phoning/emailing librarians.(*Justice*)
- Use the librarian in my process of 'thinking aloud'.(*Justice*)

- On training:
  - Not the best library user and wish my research skills were better. Have taken some great one-on-one training provided by the librarian; would like librarians to be more proactive in terms of providing training. (*Justice*)
  - Library staff train articling students each year and this is very helpful. Desperately need students to do research and they need basic skills re: using and awareness of library resources. Students know, if they get stuck, to talk to the librarians.*(Legal Counsel)*
  - Attend/appreciate 'lunch and learn' sessions offered by librarians, when these happen.(*Legal Counsel*)
  - Although most of the research lawyers have been doing research for years, still learned about new resources in a recent student training session.(*Legal Counsel*)
  - Judges should be trained on library resources when they first come in, before they get too busy.(*Legal Counsel*).
- Keep up with the current awareness offerings.(*Legal Counsel*)

Provincial Court

Overview

The mission of the Provincial Court is to provide to Albertans a judicial forum which is both accessible and economical for litigants, and which competently adjudicates legal disputes in a timely fashion. The Provincial Court of Alberta is normally the first point of entry into the justice system and comprises:

Civil Claims - Civil matters involving debt and damages (including damages for breach of contract) to a maximum of $50,000; pre-trial conferences and alternate dispute resolution programs.

Criminal – Most (i.e., 95 – 97%) criminal prosecutions in Alberta start and end in Provincial Court. As part of its criminal jurisdiction, the Court regularly hears applications for search warrants, general warrants, DNA warrants, one-party consent wiretap orders, production orders, assistance orders and prisoner

transfer orders. The average number of criminal offences commenced has increased to an average that 4.8% higher than in 2009/10.

Family – Child welfare, parenting and contact orders (custody and access), emergency protection orders, guardianship and other family law orders.

Traffic - Provincial offences under many provincial statutes, municipal bylaws and select federal statutes.

Youth - Deals with all Criminal Code offences committed by youths aged 12 to 17 years inclusive.

The jurisdiction of the Provincial Court has been described thus:

> *"Much has been written on the increasing jurisdiction of Provincial Courts and the consequential impact, both in terms of complexity and volume of work, on the judges. To quote Mr. Justice Lamer in the Provincial Court Judges Case, 'it is worth noting that the increased role of Provincial Court judges in enforcing the provisions and protecting the values of the Constitution is in part a function of a legislative policy of granting greater jurisdiction to these courts."*[21]

Judges of the Provincial Court of Alberta are appointed by the provincial government pursuant to the *Provincial Court Act*. Currently, there are 132 (FTE equivalents) provincial court judges (approximately 160 fulltime, part-time and supernumerary judges), supported by 5 full-time and 2 part-time legal counsel. There are 21 locations throughout Alberta where the Provincial Court of Alberta sits permanently, and 51 locations where the court sits on specified days.

In Edmonton, the Provincial Court has its own judicial library, which is staffed full-time by a law librarian. In Calgary, the Provincial Court and the Court of Queen's Bench share a library, which is also staffed on a full-time basis.

The following comments were provided by Provincial Court judges and legal counsel. Where important to interpretation of the comment, the source (Judge or Legal Counsel) is noted.

Context

- The work of the Provincial Court has changed significantly over the years, with the introduction of the Canadian Charter of Rights and Freedoms in 1982 and, more recently, due to the trainload of changes to criminal law.

[21] 1998 JCC Report, Joint Book of Authorities, Tab 20, page 26

- The number of Provincial Court cases has increased over 30% over the last few years. If we're going to do the job, we can't hold cases over to do research:
    - Depending on the trial, the issues, the law….even the most experienced judge may require research/library assistance. The case for less experienced judges and judges with little criminal law, family law or actual courtroom experience is much, much stronger concerning the need for competent research assistance.
    - As a general rule, the quality of legal representation increases as you go 'up' the legal ladder….making the work of Provincial Court judges more difficult. As well, Provincial Court judges do not have access to many legal counsel.
    - Judges typically hear 7 to 8 cases a week and dispose of many more; there are also many more applications and docket matters. If we hold over or reserve 5 to 6 judgments per week, then in a few weeks you'd have an insurmountable backlog.
    - Legal counsel and students are often too busy to help us on a timely basis. If judges have to spend more time finding, rather than analyzing relevant jurisprudence (instead of relying on librarians) then they'll have to take another day per week out of court to research and write decisions. To keep up with the case load, you'd need another 20 to 30 judges.
- *On importance of legal information resources:*
    - The library is a basic resource which supports the justice system, which in turn is necessary for a healthy society. There needs to be a discussion about what's needed, in what format.
    - We're trying to be a better and more efficient court and want to be modern and efficient, but we need the tools of the trade. We're in the law business… we need to be able to access the library collection and staff (who can point us to texts, sites). Otherwise, judges will be forced to 'wing it'….and what kind of justice is this? Libraries shouldn't be managed to the 'bare minimum' but should be high quality.
    - Judges are expected to keep learning….we operate in a learning environment. Doing legal research (supported by librarians) is an essential component of the learning environment. We need a vibrant, living library. The 2013 budget cuts were a disaster for the judges. If there are any further cuts, we will be compromising access to justice.

Cutting library resources is like taking away the carpenter's hammer….judges need these tools.

  - There should be normative guidelines as the foundational basis for decision-making about the libraries….standards which everyone agrees are necessary to provide a vital, meaningful service to the bar, judiciary and the public.

- Closing or cutting libraries becomes an access to justice issue because:
  - The public cannot directly access source material;
  - Lead times in trial courts increase because judges have to take more time to find an answer to an issue; and
  - Litigants cannot afford to litigate twice by taking matters to appellate review.
- Can't ignore the rural areas…it is not true that Provincial Court judges don't deal with sophisticated arguments in rural sitting points, yet:
  - Permanent and circuit sitting points outside of Edmonton and Calgary don't have access to comparable staff/resources.
  - Regional and local libraries are often closed to the public for extended periods as a result of staff shortages. This does not constitute effective operation of those law libraries which serve a significant portion of the judiciary, legal community and the public.
  - In Edmonton and Calgary, you're likely fine in terms of access to legal information resources. At other permanent and circuit sitting points, there are no libraries, so lawyers/judges call Edmonton and Calgary, increasing the workload on these staff.
- *On the need for segregated resources:*
  - There is not a compelling argument for maintaining a separate (judicial) library as a requirement of judicial independence. (*Judge*)

Collection

- We're missing some essential texts now….had to go to Ontario to access and photocopy a chapter in *Trotter's The Law of Bail in Canada*.
- Keeping the old books (in the regional and local libraries) is important….many of these are still used as reference and are more usable than the online format.
- *On importance of texts:*

- Many texts are not available online.
- Key for us is access to hardcopy texts which are regularly updated (maybe not every year, but at a minimum every other year) in all branches of the law. These are crucial. Texts give you a platform from which you can move; they are written by academics who provide form and order combined with intellectual discussion. After consulting a text, then you can move to looking at cases.
- Should be a print set of standard texts available in every courthouse in the province. Currently, a lot of key texts are held as reference material so are not available for circulation beyond Edmonton and Calgary. This amounts to two-tiered justice.

- *On use of online resources:*
  - The world is not all digital and even if it were, people don't 'go digital' in a single day.
  - Not everything is online….plus, there is real skill required to do effective searches. Every database is different and judges don't have time to get 'up' on them all. Expecting them to do so isn't a good/efficient use of resources.
  - Most of the case material will come digitally…that's fine. We have access to that and most of us are pretty good at using it in this form; online databases will serve the purpose. (*Judge*)
  - The average age of appointment to the bench is > 45; it will be 10 – 15 years before you have judges who have grown up with digital tools. Online content may be good enough for those who've grown up in this world but it's not satisfactory even for me, and I think my technology skills are pretty good. (*Judge*)
- *On usability of online resources:*
  - Problem isn't so much 'accessing' online resources but 'using' them….it can be cumbersome to pull up, save, print etc., especially when working on a longer-term project.
  - Table of contents and indices are difficult to use in online resources.
  - Case reports are online but are a pain in the ass to find and printing is difficult.
  - It is easier to return to texts to check on a particular point than to jump from one electronic report to another.
  - Navigation (jump around) facility in online resources is limited.

    - Can be difficult to find commentaries.
    - Cut and paste often don't work properly.
- Need infrastructure if you're going to insist on use of online resources. For example, WiFi is a problem….most courthouses don't have it and judges can't use access ports.

Role of Librarian

- Librarians are trained for 3 – 4 years in the details of their specialty. Lawyers may take one course on legal research, at best. Librarians also have specialized and professional networks, both formal and informal, upon which they can call for help.
- Librarians are the most important part of the library….cutting librarians creates a backlog which ripples through the whole justice system. Judges could spend endless hours locating relevant jurisprudence that librarians can locate in minutes.
- Judges will usually go to a librarian over a student, because the student doesn't have the in-depth knowledge and the librarian can usually meet the need in a matter of minutes and get it right the first time.
- Having a dedicated librarian is very helpful; they get to know the work I do. Research questions often evolve…if you don't have continuity, then you're starting over every time you go back to the librarian. If you have continuity, you're developing the issues together. This is a fantastic resource.
- Someone you can talk to is more efficient than email.
- Librarians are crucial to finding stuff and teaching us how to use online resources. We should have more librarians and they should have more support staff.

Appendix H – Crown Prosecution Services

Overview

The Alberta Crown Prosecution Service (ACPS) prosecutes all offences under the *Criminal Code of Canada*, the *Youth Criminal Justice Act* and provincial statutes before all levels of Alberta courts and the Supreme Court of Canada.

For purposes of this review, the relevant ACPS business areas are:

- **Edmonton, Calgary and Regional Prosecutions Offices,** which have responsibility for the prosecution of offences under the *Criminal Code of Canada, Youth Criminal Justice Act* and provincial statutes. This includes working with justice system stakeholders and the community to promote safe communities and implement alternative approaches to the administration of justice[22].
- **Specialized Prosecutions Branch,** which provides specialized prosecution services throughout Alberta in sensitive and complex areas such as commercial crime, environmental, and Occupational Health and Safety cases, mutual international legal assistance, organized crime, technology, and internet crime. This Branch also has responsibility to identify and track offenders who are considered violent or have a propensity to violence in support of Alberta Justice's mandate to help protect society from dangerous offenders[23].
- **Appeals, Education and Prosecution Policy Branch,** which conducts criminal appeals in the Court of Appeal and the Supreme Court of Canada; addresses complaints of wrongful convictions or miscarriages of justice; seeks to enhance the prosecution of serious and violent crime through amendments to federal legislation (Criminal Code of Canada and Youth Criminal Justice Act); provides criminal law and prosecution policy advice to the Minister, the Deputy Minister and the Assistant Deputy Minister, and is responsible for education, training and knowledge management within the Division.[24]

The following comments were provided by Crown prosecutors. Where it is helpful to interpretation of the comment, the ACPS business area or location is noted.

[22] *ibid*
[23] *ibid*
[24] *ibid*

Feedback

Context

- Courts rely on Counsel; the administration of justice will break down if Counsel is not doing a good job of notifying the Court what the law is.*(Chief Crown Prosecutor)*
- We don't want to let the court down; we want to be able to cite cases on both sides of the issue and explain why we think a particular case should apply.
- Crown is under time pressure…unreasonable delays in prosecution can result in cases being thrown out. If I have to take extra time to do research (that could be done by a librarian), this slows down my practice and results in backlogs. I do the best I can in bad circumstances, but I don't have everything I need to do it right.
- Handle 'high profile' prosecutions including internet/child pornography, organized crime, regulatory matters and large-scale economic crime. These are very large and complex files, often have police involvement and may go on for years. Associated with this, we do a tremendous amount of research. Often there are not a lot of precedents, so at best have to work to understand the direction of the law. Many of our cases go to the Court of Appeal or to the Supreme Court of Canada. Work in Specialized Prosecutions is like performing surgery that hasn't been done before….you need the best tools.*(Specialized Prosecutions Branch)*

Collection

- We have fewer resources than we need; it's hard to carry on your business if you don't have the tools you need. People 'get by' (what we don't have we suffer without) but the situation is very unfortunate; Crown is not as prepared as defense counsel.
- CanLII is a basic tool which is okay for the public but is not an alternative to doing legal research….you also need WestLaw, texts and interpretations. CanLII also doesn't print well and doesn't note-up well. You can get the job done, but you might be able to get the job done better (that is, quicker, less money) if you had better tools.
- It's disgraceful that Crown lawyers don't have texts to do their research. Sentencing research should be based on decisions coming out of your own province, for the most part, but decisions in other jurisdictions can also be persuasive, so we need these cases and explanations.

- The resource library in the Crown office in Calgary has changed a lot over the years…reduced collection and reduced staff. I now routinely spend $600 - $700 year of my personal funds on books.
- Red Deer has no office library…..Crown lawyers have to go to the Courthouse to access resources and there are no texts in the library.
- The types of materials we are missing are glaring (e.g., *Diagnostic and Statistical Manual of Mental Disorders, Update 5*) which was a major update….so I bought my own.
- We maintain our own library (really just a bookshelf) of key loose-leaf materials that we use all the time (e.g., Ewaschuk's *Criminal Pleadings and Practice in Canada*, Brown's *Supreme Court of Canada Practice,* or *Canadian Criminal Jury Instructions*), which are either only available in print or which are easier to browse in print.*(Appeals Branch – Calgary)*
- Calgary Crown located in Centrium Place. Don't tend to use the resource library in the Calgary Courts Centre because we don't have time to walk over; may use it for something quick when we're in Court. We rely on our own materials….these holdings are more specific to what we do.
- We were consulted about our core needs at the time of the 2013 budget cuts; because we weren't certain whether the ultimate decisions would be made by someone who understands our business, we bought our own 'must haves'. We would be heavy users of the library but essentially have been driven underground by the library cuts.*(Appeals)*
- Probably ten years since we were consulted about our list of 'must have' legal information resources.*(Appeals, Prosecution Policy and Education)*
- *On use of online resources:*
    - Have moved a lot of my work online….read online, use MindManager for projects, and PDF Reader to work with transcripts (work a lot with trial transcripts….volumes and volumes of evidence. There are only so many screens you can run…typical to use an iPad and two screens, with many Windows open. You still need a lot of print material….office next door looks like a 'sticky note explosion'.
    - Have found my own tools to make working with online resources easier.
    - Comfortable with/can have up to 4 Windows open.
    - It's hard for lawyers to change their work processes, when so much else is changing around them. The software is constantly changing;

when WestLaw recently changed its format, even though it was 'better', people freaked out.

  - The electronic version of *Canadian Criminal Jury Instructions* only has the text of the charge; the print version also has notes and annotations…the gold. Because this was cancelled by ALL, the Appeals Group purchased its own copy.
  - Some resources work better online (e.g., Criminal Law Quarterly has a good search engine); other's don't (e.g., Ewaschuk….the framework is too narrow).
  - Online resources are typically more useful when you know exactly what you're looking for, such as a particular case.
  - Will print cases to read and to mark up.

- There should be a list of key texts or primers on legal subjects (e.g., Hubbard's *Wiretapping and Other Electronic Surveillance: Law and Procedure*, Gibson's *Canadian Criminal Code Evidence*, McWilliams's *Canadian Criminal Offences*, and the *Diagnostic and Statistical Manual of Mental Disorders*, or 'DSM') that should be available in print and kept up-to-date. These are far less usable in online version.
- Don't think we need to maintain periodicals.

Role of Librarian

- Librarians are trained to conduct detailed and timely research in a cost efficient fashion. As Crown Counsel, I used one of the Calgary legal librarians regularly and was always impressed with the quality of her work. Unfortunately cutbacks resulted in the elimination of her position. I know other Counsel in the Appeals Branch relied on that librarian's expertise. In my view, this is not a fiscally responsible solution to reduced funding.
- In comparison to Crown Counsel, paralegals and law librarians provide excellent research skills at a lower hourly rate. This is a principle that cannot be emphasized strongly enough.
- We constantly rely on the librarian, either to do research or to get the 'research ball' rolling.(*Chief Crown Prosecutor~~)~~*
- Librarians are an invaluable tool in an increasingly complex legal environment. The Criminal Code used to change every five years; now it changes every five minutes!

- Sometimes I don't even know what I'm looking for; librarians can get you 'unstuck'.
- Used to use the librarians….there are lots of examples of them being able to find obscure resources; they were dynamite for that. But with library cutbacks, we created/hired to the position of research officer; we have two in the Branch. We couldn't take the risk that librarian staff might be cut or unavailable to us.*(Appeals, Prosecution Policy and Education)*
- It would not be wise or smart to cut back on librarians.
- Our Court of Appeal is increasingly tied into what's going on internationally. Librarians support us by doing in-depth research drawing upon US and UK sources.
- Think the statistics on the number of research/reference questions referred by ACPS to ALL is likely understated, but even if it amounts to one question a day, the librarians are worth every penny.*(Chief Crown Prosecutor)*
- Rumor that access to a live person would be diminished as a result of this review….that wouldn't be good.
- *Lawyer Research skills:*
    - Lawyers don't have the time or skill to do the research….this role is very important. It is astonishing that we might be asked to do without.*(Chief Crown Prosecutor)*
    - Lawyers in my group typically have good research skills and learn by researching.*(Appeals, Prosecution Policy and Education)*
    - Young lawyers generally have poor research skills, are overwhelmed with workloads and there's no one there to teach them if the librarians go. While students are pretty good at doing research online, they still don't know where to begin. They need help learning what the resources are and how to use them creatively….the training aspect provided by librarians in this regard is key.
    - Lawyers often have no idea of the range of resources available; need a librarian who can communicate what the resources are and how to use them.
- Even with training, still need to go to librarians in complex cases. For example, recently traced a concept back to the House of Lords in the 1600s. We work from legal concepts/principles. If necessary, may search transcripts from the Old Bailey; this is not a fun thing to do and requires librarian skills.
- *On need for physical proximity to the librarian:*

- Both of our in-house research officers are located in Edmonton; it's fine to deal with them by phone/email.
- Really important/essential that there is a librarian on-site. The more difficult we make it to use the library, the less the Crown will use it. And this is dangerous….the law is changing a lot faster and becoming more complex. It is unbelievable the amount of information people need to do their job properly.

Appendix I – Legal Services

Overview

Legal Services assists the Minister of Justice and Solicitor General in fulfilling the minister's role to provide legal advice to the Premier and Cabinet and manage legal risks to government. The division comprises approximately 193 lawyers (plus students and legal assistants) who provide legal services to government departments, including providing legal advice; managing legal risks; conducting civil litigation; drafting legislation, regulations and orders-in-council; and retaining outside counsel.

Legal Services lawyers work in Alberta Justice and Solicitor General and other Ministries' offices in Edmonton and Calgary. The Departmental library is not currently staffed (but the position is under recruitment) and is located in the Bowker Building in Edmonton.

The following comments were provided by Legal Services lawyers. Where it is helpful to interpretation of the comment, the source (Branch) is noted.

Feedback

Context

- We need access to proper library resources to do our jobs…Legal Services essentially constitutes a 200-lawyer firm, and we need similar resources.
- Requests for the Minister are often very time-limited.

Collection

- Bowker Building library is very important; has obscure texts (new and old) that no one else has (e.g., British Parliamentary Law) and which aren't available online; often need these quickly.
- Textbooks are dated.
- Some important resource aren't available online.
- *On use of online resources:*
    - Do use online resources available at the desktop. Resource library in the Edmonton Law Courts Building has online resources we don't have.

- Historic statute comparisons should be possible to do online but I don't know how….would be very time-consuming. It's easier to print or get the librarian to do it.
- Current case law and statutes are online; for more obscure resources, use librarians.
- I use HeinOnline but using it effectively is beyond the current capacity of the average lawyer.
- Keep older versions of texts in my office…then use online resources to bridge the gap to current cases. The more out-of-date my texts (or the library's) become, the more work this involves.
- Portability of resources is key….which, since we don't all have iPads or laptops, gives print resources the edge.
- Digital resources not particularly user-friendly.

Role of the Librarian

- Librarians are very important for our work. Legal policy is always changing as it's very dependent upon social circumstances/evolution. We are often doing research in the social science/social policy arenas; these are not databases to which we have access. The librarian has been a big help here, e.g., rules around posthumously conceived children. The librarian reviewed Hansard, searched across the country and beyond on the legal issues and reform movements.
- Librarians have amazing research skills and can find totally obscure things. Turn-around is very quick.
- Very helpful for historical research….this is hard for us to do because online sources only go back so far. This is particularly important for us as we're dealing with the evolution of legislation. For example, the librarian was able to find the link between the change in the age of marriage to the change in the age of majority.*(Legislative Reform Branch)*
- If we need something quickly, we use librarians; we don't have researchers and our own research skills are 'so-so'. It would take us a lot longer and often we're working to one-hour deadlines.
- With our research, you get to a point where you ask yourself 'is this everything?' With librarians, you're confident the answer is 'yes'.
- *On need for physical proximity to the librarian:*

- Important to have a librarian in the library. The library isn't just shelves of books…its people who do librarians' work. Makes a difference in terms of finding information. The 'back and forth' is important, and you get an immediate response (as opposed to sending an email). Even a part-time person on a regular schedule would be a help.*(Bowker Building lawyers)*
- Helpful to have a known person (someone you've met). Telephone doesn't work.*(Bowker Building lawyer)*
- On-site librarian is available to provide training/development for students; they tend to be intimidated on entering the Justice environment so being able to establish a relationship with an on-site librarian is important….encourages them to ask for help.
- Absent a librarian on-site, will need more training on how to access materials but…..I just don't have time. If I can't make it happen in three minutes, forget it!
- I do everything remotely or have my assistant get something (e.g., past periodicals). I don't have time to do research and my skills aren't current.*(Lawyer working in Commerce Place)*
- It does help to have someone in close proximity….emails give the impression of disappearing into cyber-space (even though they are answered) and are not as efficient as conversation in conveying the issue/narrowing the search. Efficiency is important because we have a lot of time-urgent stuff.*(Legislative Reform Branch)*

- *On training*:
  - Research refreshers would be awesome….these haven't happened since the 2013 budget cuts. We don't know what we don't know…..so if you don't go looking for it, you won't find it. We need awareness sessions every so often.
  - I don't have time for training….making us better researchers isn't a good use of lawyers. It's not realistic that lawyers will be better trained or have time to find the resources themselves.
- *On current awareness services:*
  - Value current awareness offerings (not sure where these come from) but they need work….I get too many emails so they need to be targeted and the cover email should speak to the content.
  - We don't know shortcuts in terms of using the online resources; could be trained, but the apps change all the time.

- Really value:
    - Push emails every few months re: Family Law Reports
    - Refreshers on what's available
    - What's new
    - Information on strengths and weaknesses of various resources
    - Training on how to note-up legislation
- Librarians used to offer these proactively but we've seen a decline in these services with the reduction in staff.
- Would like a feed/compilation of bills that have passed across the country (and beyond).*(Legislative Reform)*

Appendix J – Legal Profession

Overview

Input from the legal profession was obtained through an online survey (Appendix K) facilitated by the Law Society of Alberta, one-on-one interviews with sole practitioners/small firm lawyers practising law outside of the major urban centres, and through a focus group of law firm librarians representing mid-size to very large law firms.

Following are their comments.

Feedback

Context

- Population of Lethbridge, Medicine Hat and Red Deer is over 400k; we need access to a well-resourced centre for legal information. Shortages starting to appear in the resource libraries in Edmonton and Calgary are amplified for regional lawyers. Very frustrating not to be able to access resources. Small firms can't afford comprehensive collections. Lawyers show up at the library to find that the subscription is four to five years out of date. The joke in the legal community is "oh, we don't pay attention to the law down here".
- Law libraries work differently in the regional centres (e.g., Red Deer). Here, the librarian is the 'hub' of the Courthouse, connecting people, making introductions (students to senior counsel). With cutbacks, the library is not open/accessible to the public all the time as it's behind a locked security door. This is also a pain for visiting counsel, who won't have an access card for the barristers' lounge/library area.
- Rely quite heavily on the library; only have LESA materials at my office, no books or periodicals. Very frequently, arrive in to the courthouse early to do research and preparation in the library; many other lawyers in the area (*Red Deer*) do the same thing.
- On role of library in supporting professional development:
    - The law is always changing, regardless of your area of practice; in part, arising from changes in foundational legislation (e.g., *Corporate Creditors Act*, *Bankruptcy and Insolvency Act*). Lawyers have a responsibility to stay current on the law….library is important for this. Can be enormously expensive to maintain various case law reporters as a sole practitioner….the cost can be staggering.

    - Unlike other professions (such as dentistry) the infrastructure for lawyers is really knowledge. Library resources are 'tools of the trade'. We need to get it 100% rights; there isn't anything else. In this context, the library is very, very important for me.
- If the law library were to shut down, it would make my work very difficult.*(Freelance research lawyer)*
- Occasionally use the library as a work space or to access online resources. Sometimes 'review' books at the library before deciding to purchase.

Collection

- ALL collection is good….sense that they do well within the budget constraints.
- The library has print resources I can no longer order or can't afford to purchase. In fact, their collection needs to be upgraded.
- *On importance of texts:*
    - Got to have texts to sort out the large volume of cases. Criminal lawyers also need topic specific texts on use of controlled substances, evidence, procedure, Charter challenges and impaired charges.
    - Really, it's the texts I need.
- Online subscriptions are in packages….because I'm a generalist (that is, doing research work for other lawyers) I would need extensive coverage and the cost would be prohibitive. I subscribe to basic online services and rely on ALL for the rest.
- Worse than having no library is one that's out-of-date; essential to maintain current resources.
- Have 24 X 7 access to the courthouse library….use the library for quickly looking up provincial statutes. Problem is that there is no WiFi in the courthouse, so can't access Queen's Printer online. Use other online resources at the library but haven't used them all; more terminals would be a help.
- *On use of online resources:*
    - It's not all on the internet and it's not all free.
    - Access to legal texts is extremely limited, no matter which online service you're using.
    - Don't have access to online services at my office…not comfortable with them because of my age; too busy to get trained on them.

- Online services are pretty primitive, not user-friendly.
- Will try to use Table of Contents for online texts to narrow her scanning requests, but this may not be very detailed. Sometimes have to get ALL to scan/email the Table of Contents from the print version (for which I pay) so that I can narrow my request.

Role of Librarian

- Not sure you can have a successful library without a librarian.
- Prefer to have a live person…okay to use chat, but my computer doesn't have a webcam.
- Even if (when) everything is online, there will still be a need for human being, helping us access the resources.
- Really appreciated law librarians making a presentation to the Research Lawyers Section. Was really helpful in doing our own work and in helping other lawyers in the firms in which we work.
- Librarians will help you find material and/or tell you what's available. Also do inter-library loans. E.g., had a client who was caught cheating at a casino. Although Crown was only seeking a fine, if he'd been convicted of the offense with which he was charged, it would have resulted in loss of his livelihood, as he would have been precluded from travelling into the U.S., which his job required him to do. The librarian obtained a book from Edmonton on how various offenses were treated for U.S. immigration law and he was able to get the Crown to change the charge. Client happy.
- I deal with the Calgary ALL staff by phone or email….great staff, very responsive; can get things on a ½-day turn-around.

Comments from Law Firm Librarians

- Consider ALL the 'library of record' for the province.
  - We are getting rid of as many loose-leaf services as we can, but we check with ALL first to see if they have/are going to maintain them.
  - Even large national firms are limiting their collection, eliminating duplication and rely on accessing titles from another location. Given time zone difficulties, easier sometimes to go to ALL than to another branch of the firm.
  - If ALL doesn't have resources we'll all have to buy them….collective waste from a justice system perspective.
  - Our firm has a big library…..we still rely on ALL.

- Not all content is online. Continue to see lots of content that is only available in print or the online version is prohibitively expensive or not shareable due to licensing restrictions.
    - Certain print resources we consult all the time are not available online.

Appendix K – Law Society Survey

Response statistics

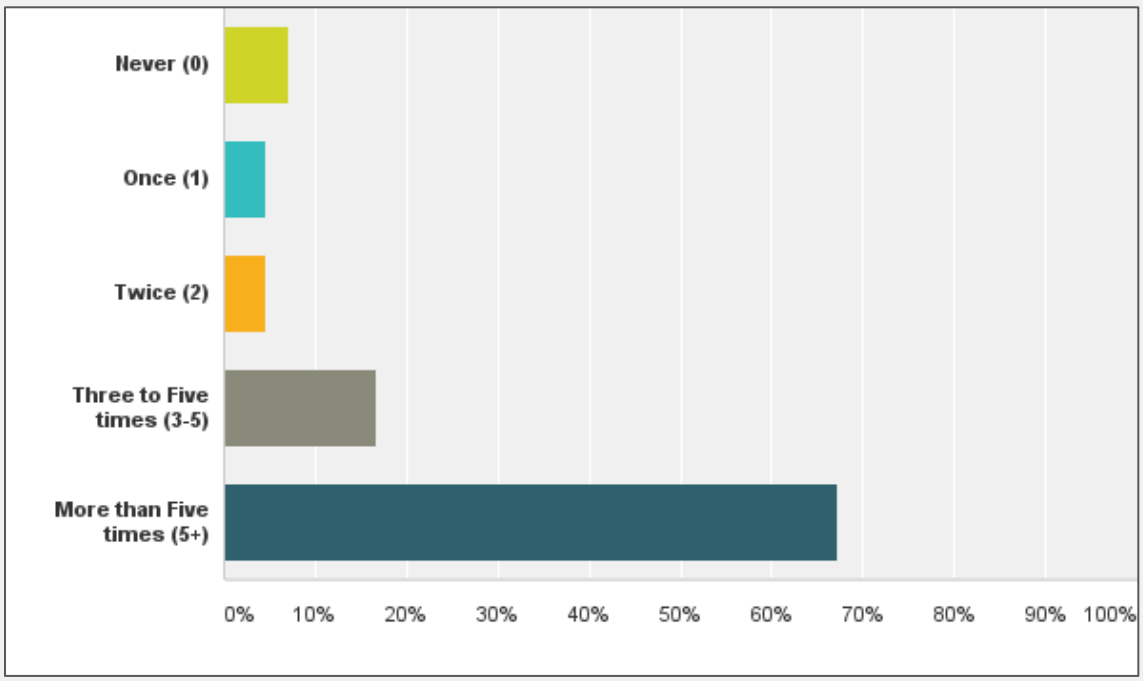
- 198 respondents

Demographics:

- Location of practice
    - 68% from large urban practices
    - 22% other urban
    - 10% rural
- Size of firm
    - 25 lawyers – 13%
    - 7 – 25 lawyers – 24%
    - 2 – 6 lawyers – 34%
    - Sole practitioners – 29%
- Years in practice
    - < 5 years – 38%
    - 6 – 15 years – 27%
    - 15 – 25 years – 14%
    - 25 years – 21%

Appendix K – Law Society Survey (cont'd.)

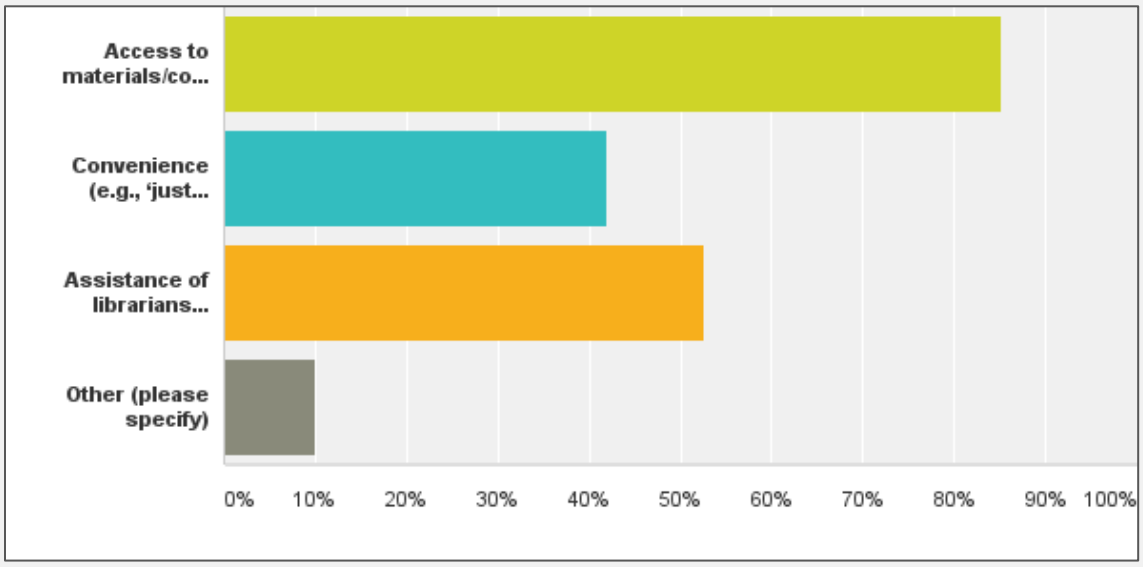
Q1: In the past year, how many times have you used Alberta Law Libraries?
(198 answered; 0 skipped)



Answer Choices	Responses	
Never (0)	**7.07%**	14
Once (1)	**4.55%**	9
Twice (2)	**4.55%**	9
Three to Five times (3-5)	**16.67%**	33
More than Five times (5+)	**67.17%**	133
Total		**198**

Appendix K – Law Society Survey (cont'd.)

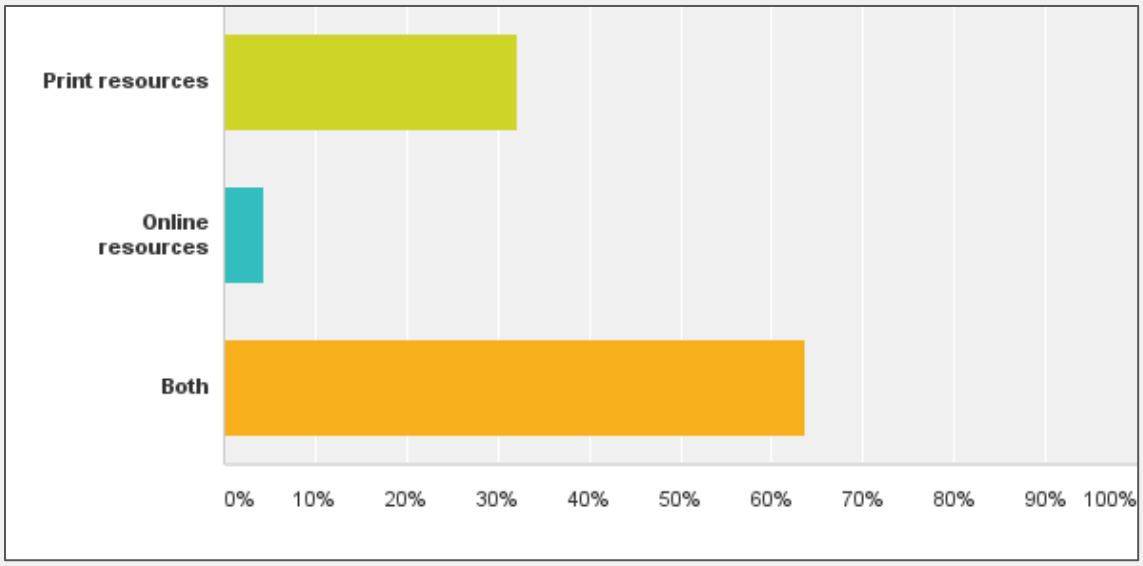
Q2: What was your primary reason for using Alberta Law Libraries (choose all that apply)? (188 answered: 188; 10 skipped)



Answer Choices	Responses	
Access to materials/collections not available at my law firm	**85.11%**	160
Convenience (e.g., 'just in time' reference/research to support court work)	**42.02%**	79
Assistance of librarians and/or services provided by Alberta Law Libraries	**52.66%**	99
Other (please specify)	**10.11%**	19
Total Respondents: 188		

Appendix K – Law Society Survey (cont'd.)

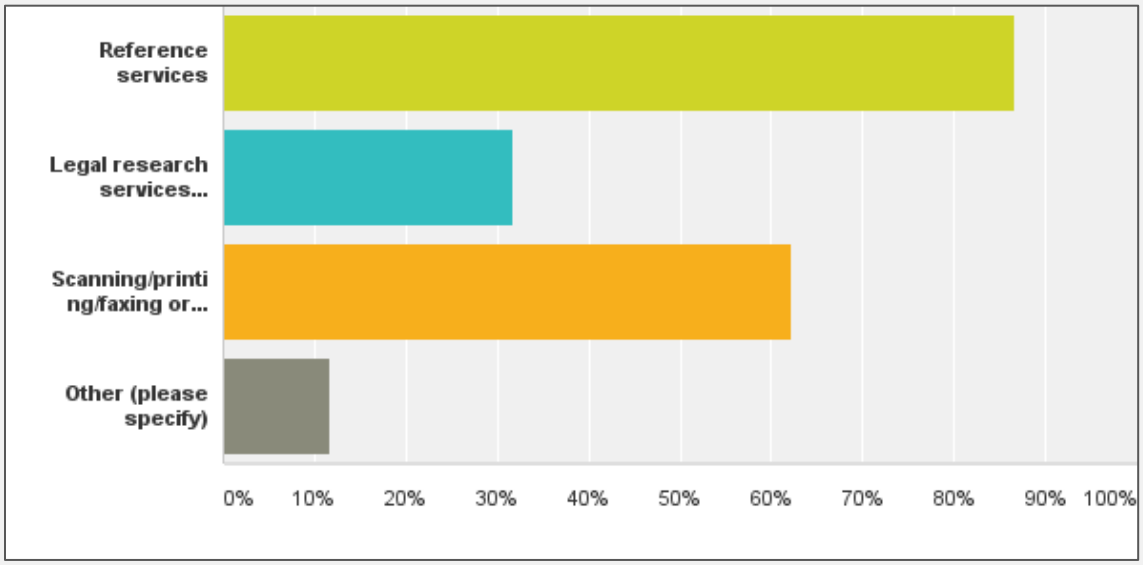
Q3: I have used Alberta Law Libraries': (184 Answered; 14 skipped)



Answer Choices	Responses	
Print resources	**32.07%**	59
Online resources	**4.35%**	8
Both	**63.59%**	117
Total		**184**

Appendix K – Law Society Survey (cont'd.)

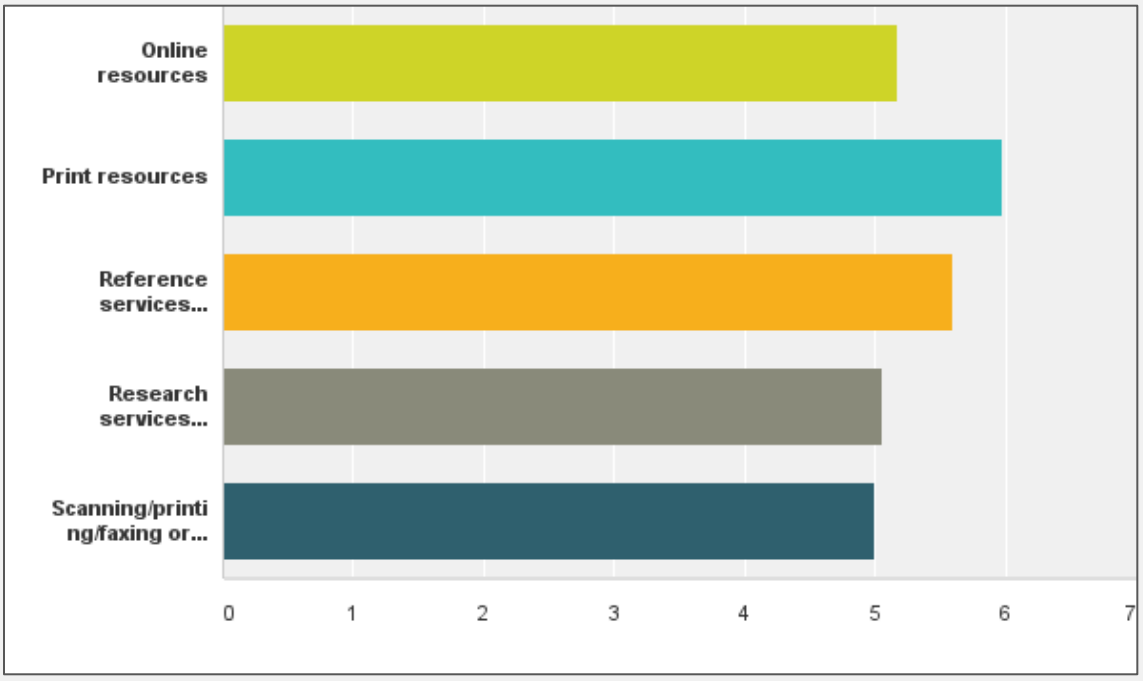
Q4: Which of the following services provided by Alberta Law Libraries did you use (choose all that apply): (180 answered; 18 skipped)



Answer Choices	Responses	
Reference services	**86.67%**	156
Legal research services (fee-based service)	**31.67%**	57
Scanning/printing/faxing or other delivery of library materials	**62.22%**	112
Other (please specify)	**11.67%**	21
Total Respondents: 180		

Appendix K – Law Society Survey (cont'd.)

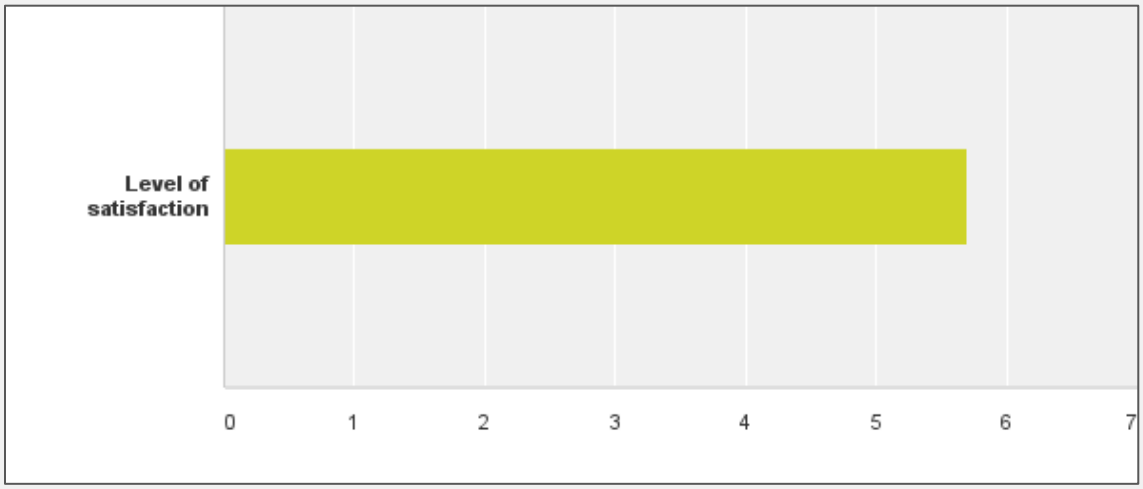
Q5: How important are Alberta Law Libraries' services to you? (196 answered; 2 skipped)



	Completely unimportant	Very unimportant	Somewhat unimportant	Neutral	Somewhat important	Very important	Critical	Total	Weighted Average
Online resources	5.35% 10	1.07% 2	6.95% 13	12.83% 24	22.46% 42	34.76% 65	16.58% 31	187	5.17
Print resources	2.09% 4	3.14% 6	0.52% 1	2.09% 4	13.61% 26	38.74% 74	39.79% 76	191	5.97
Reference services provided by librarians	4.15% 8	3.11% 6	2.07% 4	7.25% 14	17.62% 34	35.75% 69	30.05% 58	193	5.59
Research services provided by librarians	5.29% 10	5.82% 11	4.23% 8	19.05% 36	17.99% 34	24.34% 46	23.28% 44	189	5.05
Scanning/printing/faxing or other delivery of library materials	6.52% 12	3.26% 6	3.26% 6	16.85% 31	26.09% 48	28.80% 53	15.22% 28	184	5.00

Appendix K – Law Society Survey (cont'd.)

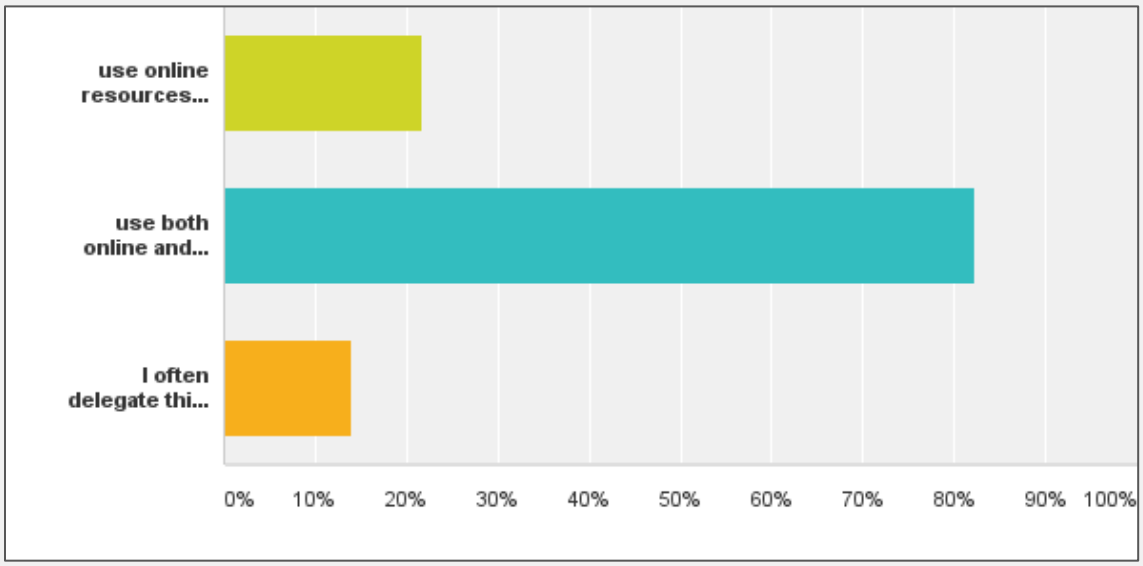
Q6: If Alberta Law Libraries conducted legal research for you, how satisfied were you in terms of 'value for money'? (113 answered; 85 skipped)



	Extremely dissatisfied	Very dissatisfied	Somewhat dissatisfied	Neutral	Somewhat satisfied	Very satisfied	Extremely satisfied	Total	Weighted Average
Level of satisfaction	0.00% 0	0.00% 0	1.77% 2	25.66% 29	4.42% 5	37.17% 42	30.97% 35	113	5.70

Appendix K – Law Society Survey (cont'd.)

Q7: If you rely on your firm's collection to conduct your legal research, do you (choose all that apply): (157 answered; 41 skipped)



Answer Choices	Responses
use online resources exclusively	21.66% 34
use both online and print resources	82.17% 129
I often delegate this type of work to others at my firm (ie. student; research team; library; support staff etc.)	14.01% 22
Total Respondents: 157	

Appendix L – Jurisdiction Scan

The consultant interviewed Heads of Courts Administration and law librarians representing the Supreme Court of Canada, Federal Courts Administration, and the Saskatchewan, Manitoba, Ontario, Nova Scotia, and Newfoundland and Labrador justice systems. Following is a summary of the information so obtained, in the interviewees' words.

Supreme Court of Canada

Context

- The Library of the Supreme Court of Canada provides the research base for the Court in its role of deciding questions of national importance. It is a research library geared to meet the immediate information needs of the Court. The Library has an extensive collection of both primary and secondary materials from the major common and civil law jurisdictions: Canada, United Kingdom, United States, Australia, New Zealand, France and Belgium; a large collection of legal periodicals, loose-leaf services and major legal texts. Holdings are in print, microform and electronic format. The library is open to those pleading before the Supreme Court of Canada and the Federal Court of Appeal, to the Canadian judiciary, to members of the Bar and to others by permission.
- The library falls under the authority of the Office of the Registrar.

Staffing

- The Supreme Court library has a staff of 16, comprised of 9 professional librarians, 5 paraprofessionals (library technicians or equivalent, one position currently vacant), and 2 clerks. There is one administrative support for the Branch, which also includes the Information Management and Records staff. The library usually engages 2 summer students each year (1 professional and 1 technician).

Collection

- Supreme Court justices want the 'best and brightest' in terms of law clerks and want to be able to provide the 'best' in terms of infrastructure, including the library.

- Driven by budget considerations (can't afford to duplicate everything), the Supreme Court library is trying to move slightly away from print….to find the "perfect balance". Ultimately, this balance involves consideration of:
    - What is usable in digital format;
    - What is unique in print format; and
    - User preference. There is a huge user acceptance factor at play. Generally, Library 'clients' want their frequent reference resources in print; therein lies the budgetary challenge, as different users favour different books.

  They are taking a very cautious approach to the transition.
- There are downsides to the use of online (or digital) product as well. The lack of stability in the product (versioning) is creating ennui or a fatigue factor that distracts the justices from what they're being paid for, which is to issue judgments.
- Lawyers used to show off their libraries as proof their superior competence; this is harder to do in a digital environment, so libraries have to figure out how to remain 'top of mind' in this world. It's been years since the justices have regularly visited the library. As part of its outreach, the Supreme Court library provides regular product delivery to the desktop as requested by their users; this is targeted to specific users.
- The Supreme Court continues to maintain historical materials (e.g., the last print copy). With recent legislative changes designed to make the Library and Archives Canada collection more widely accessible, they may be able to revisit this aspect of their collection.

Governance

- A library committee comprised of two judges appointed by the Chief Justice, the Registrar and the head librarian meets twice a year; it makes recommendations on library services and collection management to the nine justices of the Supreme Court which has the final say (subject to budgetary constraints).
- The library's budget is managed by the Registrar; court administration services tries to accommodate the wishes of the Court within budgetary constraints and is 99% successful.

Top Issues

- Collection costs….online resources are not cheap.
- Difficulties in dealing with legal publishers (e.g., restrictive copyright rules hamper printing off single chapters of electronic books, publishers segment their markets (i.e., government, academic etc.) to fragment their buying power).
    - Expect smaller publishers to be stepping out of print materials soon; some may offer ‘print on demand’. Don’t anticipate major savings as publishers move more to online resources; they will adjust pricing structure to maintain bottom line.
    - Likely what’s needed is a coalition (similar to that which exists among academic libraries) of government-funded law libraries; this might encourage publishers to moderate extortionate pricing policies.

Federal Courts of Canada

Context

- Court Administration Services (Ministry of Justice) provides administrative services to four courts of law: the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada. The Federal Court is Canada's national trial court which hears and decides legal disputes arising in the federal domain, including claims against the Government of Canada, civil suits in federally-regulated areas and challenges to the decisions of federal tribunals.
- There are 80 judges and (roughly) a corresponding number of law clerks serving in the four courts. Law clerks ‘cycle through’ on one-year rotations; they (as opposed to the judges) do most of the legal research.
- Public access to legal information is not part of the library mandate.

Staffing

- Staff of 10; local libraries are staffed with library techs. Two-thirds of the staff are whole occupied processing library materials; one-third provide research and other client services.

Collection

- Having quality resources is very important to the federal court judges; they are unlikely to accept something that’s mediocre.

- Library headquarters is located in Ottawa; there are in addition 10, much smaller local libraries.
- There is no regularized process for determining collection requirements…the process is 'reactive'. The print collection has accumulated over the years; every so often library staff try to figure out what's appropriate to keep.

Governance

- The library does have an advisory 'judges' committee' comprised of representatives from each court; hasn't proven to be very effective in operation.

Issues

- Problems (pricing, licensing restrictions) with legal publishers.
- Lack of awareness (on the part of the judges) of the library's resources and how to use them; they plan to revamp the library intranet to try to make searching materials easier.
- No regularized process for determining/finalizing judicial resource needs.

Newfoundland and Labrador

Context

- Libraries (judicial, Department of Justice and Public Safety, and legal profession) are all managed separately.
- The Department of Justice and Public Safety manages a library which serves Crown prosecutors and other government lawyers.
- Courthouse libraries are for the exclusive use of the judiciary and their legal counsel. The scale of operation is much smaller than Alberta's, e.g., the Court of Appeal has 6 judges and 2 law clerks, while the Provincial Court has 6 judges and 1 law clerk. Each court has their own library and there are small collections in each courthouse:
    - Supreme Court (8 locations)
    - Court of Appeal/Provincial Court (4 locations)
    - Provincial Court (6 locations)
- Members of the legal profession use the law society library, located in a building next door to the main courthouse. The law society library has one librarian and one library tech. There is not a lot of 'foot traffic; but the library

is heavily used, with inquiries coming in by email and phone. Generally, online services are only available if users come into the library. The law society library is also open to the public.

Staffing

- Judicial libraries are not staffed. Legal assistants (secretaries) try to keep loose-leaf service up-to-date but are not doing very well at this, such that judges may be relying on services which are not current.

Collection

- Trying to move the judiciary towards greater use of online resources; this is going reasonable well, with the exception of their insistence on retaining loose-leaf services.
- The Law Society is cancelling loose-leaf services which are eating up their budget. Loose-leaf services are a cash cow for the legal publishers, while licensing restrictions for online resources imposed by the publishers are a misery.
- The perception that everything is available electronically is not correct; so much is not available online (e.g., articles and commentary, texts, unreported decisions, original sources). Family law, child protection, young offenders and sexual assault cases are not on CanLII because they can't afford to anonymize the cases. Often, lawyers need to check against print version (e.g., O'Brien's Forms).
- Online resources are like first generation software products that have never been improved.

Governance

- Collection management for the judicial libraries is done in consultation with the judges; the Chief Justice surveys the other judges and meets with the manager of judicial services.

Issues

- Manpower (lack of resources to maintain judicial loose-leaf services).
- Legal publishers….licensing restrictions and pricing policies.
- Usability (or lack thereof) of online resources.

Nova Scotia

Context

- The Nova Scotia law libraries (Barristers Society, Departmental and judicial) are managed separately:
    - The Nova Scotia Barristers Society (NSBS) library is housed in the Law Courts Building in Halifax. Members of the bar have access on a 24 X 7 basis; the public has access during regular courthouse hours. There are small NSBS collections in other counties around Nova Scotia. The NSBS libraries are funded through law stamp revenue and general revenues of the NSBS.

      The NSBS library is seeing a reduction in foot traffic generally, with the greatest use by solo and small firm practitioners. The larger legal firms have their own libraries, and draw upon the NSBS library for oddball/obscure items or items that fall outside their 'core' areas of practice.

      Enabling public use of the NSBS library is considered a priority; however, the library's online services are not licensed for walk-in use. Public enquiries, in the main, tend to fall in the 'system navigation' area.
    - There is a judicial library, also located in the Law Courts building, as well as 13 Nova Scotia district libraries comprised of 28 collections, organized by Court (Supreme, Appeal and Provincial). The Departmental library is located in the Justice building. There is a shared budget for these libraries.
- The judicial and Departmental library budget was cut significantly in 2013. The Ministry responded by removing loose-leaf service from all district libraries; currently, they are spending very little on new books ($1,500/year).
- Public access to legal information is not considered a big issue in the context of the law libraries; it does come up in the context of access to online information.

Staffing

- The NSBS library in Halifax is staffed by a librarian.
- The Departmental library and the judicial library (in Halifax) are also staffed by librarians (one each). None of the district judicial libraries are staffed by

librarians. Designated administrative staff look after loose-leaf services and oversee the collections.

Collection

- Print and digital.
- Judges (supported by law clerks) don't tend to use CanLII, but do use other online services such as WestLaw, Criminal Spectrum, QuickLaw and QuickLaw International. Nova Scotia is no longer stocking texts for the district judicial libraries.

Governance

- There is a judges' library committee with representatives from each Court. This committee generally meets 3 or 4 times per year. It is advisory in terms of collection management.
- Considering consolidating management of the law libraries.

Issues

- Collection costs
- Predatory pricing policies by legal publishers

Ontario

Context

- In Ontario, the Law Society, judicial and government (Crown and Departmental) libraries are all managed separately. Courts Administration Services, Ministry of Justice & Attorney General, funds the judicial, Crown and Departmental libraries. Libraries for the practising bar are funded by the Law Society of Upper Canada.
- There are 85 judicial libraries, one in each county courthouse; 60% of these are shared between the Ontario Superior Court and the Ontario Provincial Court.
- Public access to legal information is not seen as a 'libraries' issue; the Ministry position seems to be that the public should be using public libraries, most of which offer CanLII to library users, as their primary source of legal information.

Staffing

- The library has 5 staff, including one whose sole responsibility is website management.

Collection

- The collections budget has not increased since 2004. Court Administration Services is looking to move towards greater use of online resources but user preference is for print resources. Even with online resources, you will be incurring greater paper/printing costs as library users prefer to read long documents in print format.

Governance

- Each Court has a library committee comprised of judges who represent the continuum (rural, small centres, large urban) plus special interests (bi-lingual, Justices of the Peace bench); these provide input and advice on collection management.
- Process seems to be working well; the committees work form standards in terms of key titles. The librarian has some flexibility in terms of whether particular resources are updated annually, bi-annually etc.; she will check her decisions with the chair of each library committee. No major complaints from the judges.

Issues

- Costs….can't sustain print collection, but can't afford online resources (see below).
- Publishers
    - Licensing restrictions imposed by legal publishers.
    - Failure to comply with accessibility standards.
- User preference for print resources.

Manitoba

Context

- The libraries for the judiciary, Crown prosecutors and governmental lawyers, and the legal profession are all managed separately.

- The 'Great Library' is located in the Law Courts Building in Winnipeg and primarily serves members of the legal profession, although the public also have access.
- There are three types of judicial libraries: combined Court of Appeal/Queen's Bench, Provincial Court and regional courthouses.

- Public access to the law libraries is not considered a big issue.

Staffing

- There are no librarians *per se* in the judicial libraries (Winnipeg or regional); the Court of Appeal has 3 legal researchers on staff.
- The Law Society pays for the librarian (1) in the Great Library.

Collection

- At a recent retreat, the judges confirmed they still wanted their books.
- Use of online resources is more widespread among judges of the Provincial Court, who are, on average, less than 50 years old. Use of online resources in the upper Courts is more variable.

Governance

- There is a library committee with representatives from each of the Courts and the Executive Director of Court Services; the committee is chaired by a judge from the Court of Queen's Bench and meets every two months.
- The committee is advisory only…it doesn't decide budget or make the final collection decisions.

Issues

- Continued preference for print materials and related storage issues

Saskatchewan

Context

- Judicial, Departmental (Crown prosecutors, other) and Law Society libraries are managed separately. Each court (Court of Appeal, Queen's Bench and Provincial Court) have their own libraries and essentially operate independently one from the other, although all are funded by the Ministry.
- Queen's Bench courthouses are the physical home of the Law Society libraries, and are funded entirely by the law society.

In recent years, the Law Society has been speaking with its membership about modernizing the delivery of legal information; there's a willingness to do so, however, this is no guarantee that this will result in a reduction in library costs. The Law Society has started a strategic planning process and plans to include the Ministry in this.

- Public access to legal information is currently largely the responsibility of PLEA, an NGO funded by the Government of Canada, the Law Foundation and the Ministry of Justice, plus donations.

Staffing

- Court libraries each have a dedicated librarian.

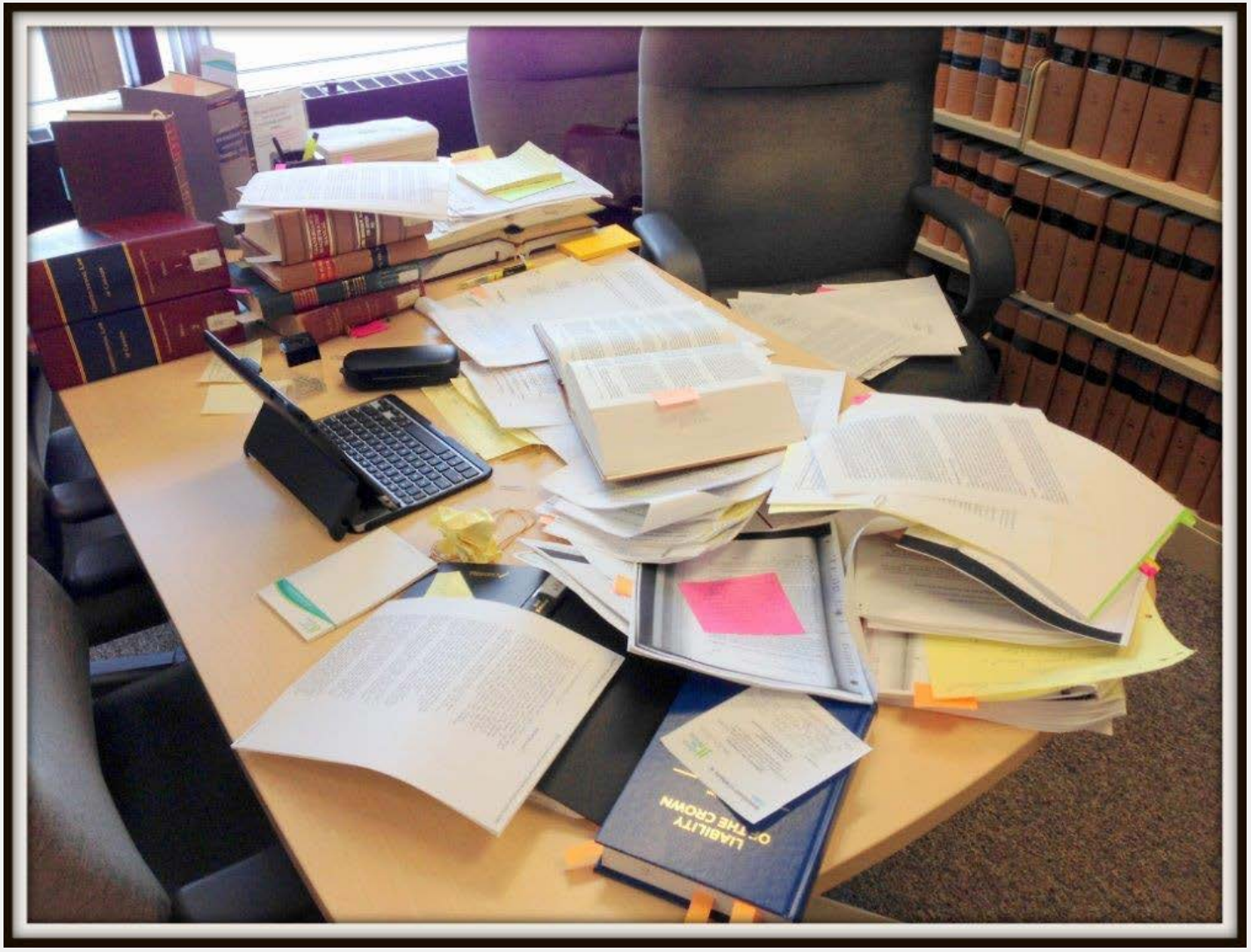
Collection

- There is a very slow movement towards the use of online resources, where this is possible.

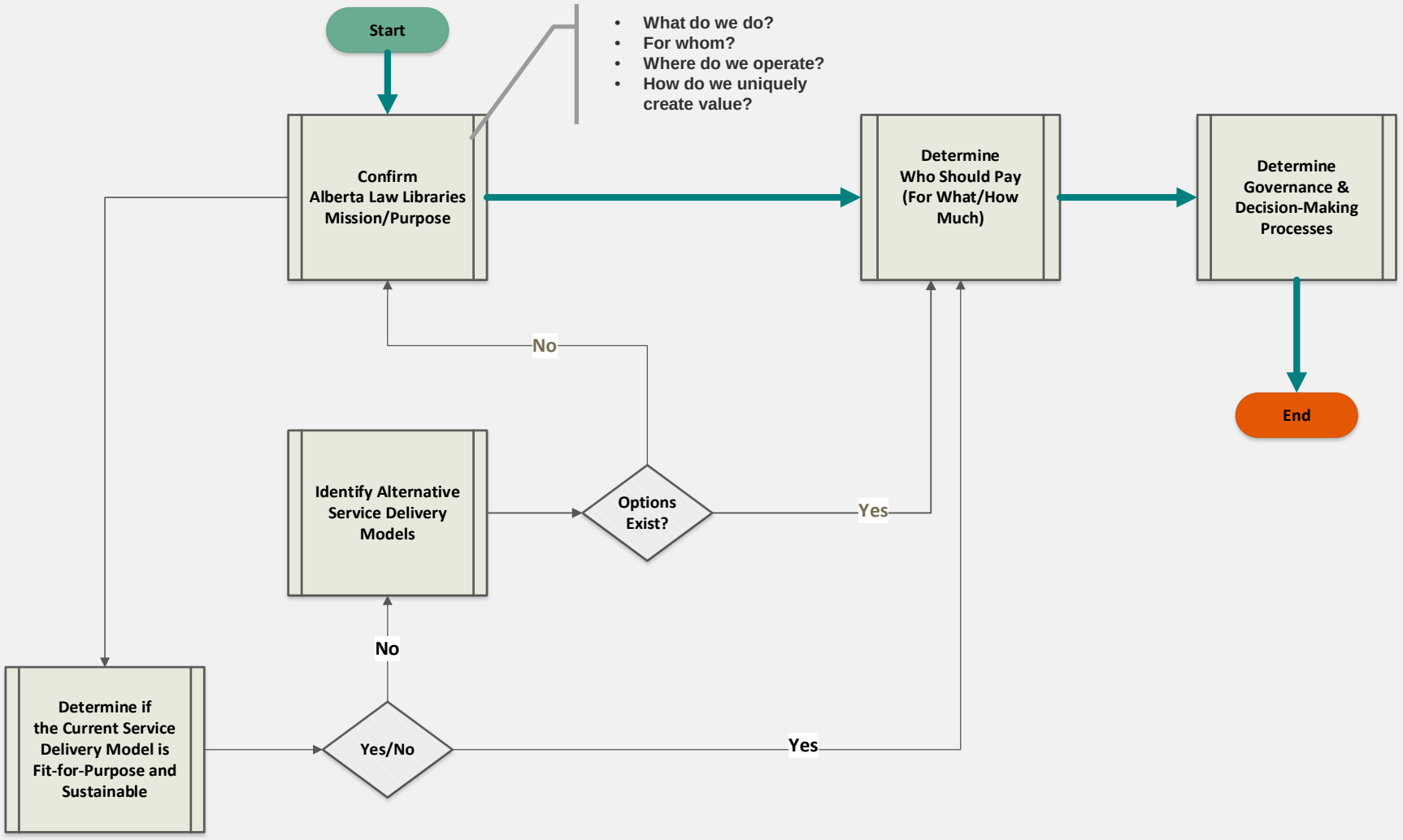
Governance

- Something of a 'free for all', although the parties with responsibility for law libraries are talking with each other, trying to figure out what model makes sense for the future. Historically, management has been very siloed; things are starting to point in the right direction in terms of collaboration.
- There is no formal, documented process for collection management decisions.

Appendix M – What Synthesis of Legal Information Looks Like



Appendix N – Analytical Framework



Appendix O – Option 1 Pro Forma Financial Statements

Description - Maintain 2014/15 Funding Levels	2014/15[1]		2015/16		2016/17		2017/18		Net Change from 2014/15
	$	%	$	%	$	%	$	%	$
Revenues									
Government of Alberta[2]	3,746,461	59	3,746,461	60	3,746,461	61	3,746,461	63	
Alberta Law Foundation[2]	1,610,137	25	1,610,137	26	1,610,137	26	1,610,137	27	
Law Society of Alberta[3]	913,800	14	798,200	13	692,600	11	567,000	9	**(346,800)**
Service Fees[4]	98,210	2	98,210	2	50,000	1	50,000	1	**(48,210)**
Interest Income[5]	4,296	0	4,296	0	4,296	0	4,296	0	
	6,372,904	**100**	**6,257,304**	100	**6,103,494**	100	**5,977,894**	100	**(395,010)**
Expenses									
Collection development									
Print[6]	1,797,889	30	1,977,678	32	2,175,446	33	2,392,990	35	
Electronic[7]	589,548	10	601,339	10	613,366	9	625,633	9	
Sub-total	2,387,437	40	2,579,017	41	2,788,811	42	3,018,623	44	**631,186**
Technology support[8]	0	0	50,000	1	50,000	1	50,000	1	**50,000**
Wages and related costs						0		0	
At July/2015 staffing levels[9]	3,370,562	57	3,446,400	55	3,532,560	54	3,603,211	52	**232,649**
Travel[10]	34,603	1	35,295	1	36,001	1	36,721	1	**2,118**
Staff development & training[10]	16,503	0	16,833	0	17,170	0	17,513	0	**1,010**
Marketing & public relations[10]	10,775	0	10,991	0	11,210	0	11,435	0	**660**
Other administration[10][11]	130,757	2	133,372	2	136,040	2	138,760	2	**8,003**
	5,950,637	**100**	**6,271,907**	100	**6,571,792**	100	**6,876,263**	100	**925,626**
Excess (Deficiency) of Revenues over Expenditures	**422,267**		**(14,603)**		**(468,298)**		**(898,369)**		**(1,320,636)**

Appendix P – Alternative Funding Options

Option 2 (Increased Funder Contributions and Introduction of User Fees) – ALL funding is adjusted as follows:

- The Government of Alberta increases its contributions to cover negotiated and projected cost-of-living increases in wages;
- The approved reductions in Law Society of Alberta contributions for 2016/17 and 2017/18 are **not** implemented;
- Alberta Law Foundation contributions increase at the historical rate[25] for 2016/17 and 2017/18; and
- User fees on reference and research services are introduced as follows beginning in 2016/17: a flat fee of **$85** for reference questions; an hourly charge **($150)** applied to research questions.

Option 3 (Library Levy) - Contributions from the Law Society of Alberta are increased to reflect a library levy of $200, payable by all active members of the Society. Government of Alberta and Alberta Law Foundation contributions are held constant at 2014/15 levels.

Option 4 (Restoration of "2013/14" Funding Levels) – The funders' contributions for **2016/17** and **2017/18** are adjusted as follows:

- Government of Alberta funding is restored to $5,259,000, the notional budget prior to the March 2013 budget cuts;
- Funding from the Law Society of Alberta is held constant at its 2013/14 level of $913,800; and
- Funding from the Alberta Law Foundation is reduced by $18,853 to the level of its 2013/14 contributions

[25] Based on increase 2014/15 over 2013/14

Option 2 - Increased Contributions/ User Fees	2014/15[1]		2015/16		2016/17		2017/18		Net Change from 2014/15
	$	%	$	%	$	%	$	%	$
Revenues									
Government of Alberta[2]	3,746,461	59	3,822,299	60	3,908,459	56	3,979,110	56	**232,649**
Alberta Law Foundation[2]	1,610,137	25	1,610,137	25	1,658,441	24	1,708,194	24	**98,057**
Law Society of Alberta[2]	913,800	14	798,200	13	913,800	13	913,800	13	
Service Fees[3]	98,210	2	98,210	2	550,307	8	550,307	8	**452,097**
Interest Income[4]	4,296	0	4,296	0	4,296	0	4,296	0	
	6,372,904	**100**	**6,333,142**	100	**7,035,302**	100	**7,155,707**	100	**782,803**
Expenses									
Collection development									
Print[5]	1,797,889	30	1,977,678	32	2,175,446	33	2,392,990	35	
Electronic[6]	589,548	10	601,339	10	613,366	9	625,633	9	
Sub-total	2,387,437	40	2,579,017	41	2,788,811	42	3,018,623	44	**631,186**
Technology support[7]	0	0	50,000	1	50,000	1	50,000	1	**50,000**
Wages and related costs						0		0	
At July/2015 staffing levels[8]	3,370,562	57	3,446,400	55	3,532,560	54	3,603,211	52	**232,649**
Travel[9]	34,603	1	35,295	1	36,001	1	36,721	1	**2,118**
Staff development & training[9]	16,503	0	16,833	0	17,170	0	17,513	0	**1,010**
Marketing & public relations[9]	10,775	0	10,991	0	11,210	0	11,435	0	**660**
Other administration[9][10]	130,757	2	133,372	2	136,040	2	138,760	2	**8,003**
	5,950,637	**100**	**6,271,907**	100	**6,571,792**	100	**6,876,263**	100	**925,626**
Excess (Deficiency) of Revenues over Expenditures	**422,267**		**61,234**		**463,511**		**279,444**		**(142,823)**

Option 3 - Library Levy	2014/15[1]		2015/16		2016/17		2017/18		Net Change from 2014/15
	$	%	$	%	$	%	$	%	$
Revenues									
Government of Alberta[2]	3,746,461	59	3,746,461	60	3,746,461	52	3,746,461	52	
Alberta Law Foundation[2]	1,610,137	25	1,610,137	26	1,610,137	22	1,610,137	22	
Law Society of Alberta[3]	913,800	14	798,200	13	1,840,000	25	1,840,000	25	**926,200**
Service Fees[4]	98,210	2	98,210	2	41,500	1	41,500	1	**(56,710)**
Interest Income[5]	4,296	0	4,296	0	4,296	0	4,296	0	
	6,372,904	**100**	**6,257,304**	100	**7,242,394**	100	**7,242,394**	100	**869,490**
Expenses									
Collection development									
Print[6]	1,797,889	30	1,977,678	32	2,175,446	33	2,392,990	35	
Electronic[7]	589,548	10	601,339	10	613,366	9	625,633	9	
Sub-total	2,387,437	40	2,579,017	41	2,788,811	42	3,018,623	44	**631,186**
Technology support[8]	0	0	50,000	1	50,000	1	50,000	1	**50,000**
Wages and related costs						0		0	
At July/2015 staffing levels[9]	3,370,562	57	3,446,400	55	3,532,560	54	3,603,211	52	**232,649**
Travel[10]	34,603	1	35,295	1	36,001	1	36,721	1	**2,118**
Staff development & training[10]	16,503	0	16,833	0	17,170	0	17,513	0	**1,010**
Marketing & public relations[10]	10,775	0	10,991	0	11,210	0	11,435	0	**660**
Other administration[10][11]	130,757	2	133,372	2	136,040	2	138,760	2	**8,003**
	5,950,637	**100**	**6,271,907**	100	**6,571,792**	100	**6,876,263**	100	**925,626**
Excess (Deficiency) of Revenues over Expenditures	**422,267**		**(14,603)**		**670,602**		**366,131**		**(56,136)**

Option 4 - Restore 2013/14 Funding Levels	2014/15[1]		2015/16		2016/17		2017/18		Net Change from 2014/15
	$	%	$	%	$	%	$	%	$
Revenues									
Government of Alberta[2]	3,746,461	59	3,746,461	60	5,259,000	67	5,259,000	67	**1,512,539**
Alberta Law Foundation[2]	1,610,137	25	1,610,137	26	1,591,284	20	1,591,284	20	**(18,853)**
Law Society of Alberta[3]	913,800	14	798,200	13	913,800	12	913,800	12	
Service Fees[4]	98,210	2	98,210	2	50,000	1	50,000	1	**(48,210)**
Interest Income[5]	4,296	0	4,296	0	4,296	0	4,296	0	
	6,372,904	**100**	**6,257,304**	100	**7,818,380**	100	**7,818,380**	100	**1,445,476**
Expenses									
Collection development									
Print[6]	1,797,889	30	1,977,678	32	2,175,446	33	2,392,990	35	
Electronic[7]	589,548	10	601,339	10	613,366	9	625,633	9	
Sub-total	2,387,437	40	2,579,017	41	2,788,811	42	3,018,623	44	**631,186**
Technology support[8]	0	0	50,000	1	50,000	1	50,000	1	**50,000**
Wages and related costs						0		0	
At July/2015 staffing levels[9]	3,370,562	57	3,446,400	55	3,532,560	54	3,603,211	52	**232,649**
Travel[10]	34,603	1	35,295	1	36,001	1	36,721	1	**2,118**
Staff development & training[10]	16,503	0	16,833	0	17,170	0	17,513	0	**1,010**
Marketing & public relations[10]	10,775	0	10,991	0	11,210	0	11,435	0	**660**
Other administration[10][11]	130,757	2	133,372	2	136,040	2	138,760	2	**8,003**
	5,950,637	**100**	**6,271,907**	100	**6,571,792**	100	**6,876,263**	100	**925,626**
Excess (Deficiency) of Revenues over Expenditures	**422,267**		**(14,603)**		**1,246,588**		**942,117**		**519,850**

Option 1 Notes

(1) Per audited Joint Library Committee financial statements.

(2) Assume Government of Alberta and Alberta Law Foundation contributions are held constant at 2014/15 levels.

(3) Assume previously approved contribution from the Law Society of Alberta for 2015/16 ($798,200); 2016/17 ($682,600); and 2017/18 ($567,000).

(4) Service fees for the year ended 2014/15 were approximately $8,500 for 'database searches' carried out for the legal profession, and $89,800 for printing/scanning/overdue charges. Assumed that service fees for database searches remain constant, as do overdue fees, but that printing and scanning charges will decrease significantly once LInC is moved to the Brownlee Building, so the estimated revenue for 2016/17 and 2017/18 is reduced accordingly.

(5) Interest income is assumed to be constant at the 2014/15 level.

(6) Assume average year-over-year increase of 10% for print materials.

(7) Assume average year-over-year increase of 2% for electronic materials.

(8) Technology support currently provided by Court Technology Services to ALL and through 3 ALL FTEs (1 currently vacant); estimate for 2015 through 2018 to be confirmed through discussion with CTS/IMTS.

(9) Assume current staff continued, regardless of service delivery model option selected (i.e., whether 5 FTEs currently allocated to regional/local branches remain there or are redeployed to Calgary/Edmonton resource libraries). Wage increases based on negotiated and projected AUPE settlements.

(10) Assumed year-over-year increase of 2%.

(11) Includes general and administrative, professional fees, equipment rental and amortization.

Option 2 Notes

(1) Per audited Joint Library Committee financial statements.

(2) Government of Alberta contribution increased to cover negotiated and projected cost-of-living increases in wages; Law Society contributions are restored to 2013/14 funding level for 2016/17 and 2017/18 fiscal years; and ALF contributions increase at 3% per year.

(3) Service fees for year ended 2014/15 were (approx.) $8,500 for 'database searches' charges to the legal profession and $89,800 for printing/faxing/overdue charges. Assumed that service fees for data base searches are replaced with service fees for reference and research questions, calculated as follows:

Research: 172/726*2088 X $150 =	$ 74,202
Reference questions: 5,113 * 85 =	434,605
Sub-Total	$ 508,807
Printing/faxing	41,500
Total	$ 550,307

(4) Interest income is assumed to be constant at the 2014/15 level.

(5) Assume average year-over-year increase of 10% for print materials.

(6) Assume average year-over-year increase of 2% for electronic materials.

(7) Technology support currently provided by Court Technology Services to ALL and through 3 ALL FTEs (1 currently vacant); estimate for 2015 through 2018 to be confirmed through discussion with CTS/IMTS.

(8) Assume current staff continued, regardless of service delivery model option selected (i.e., whether 5 FTEs currently allocated to regional/local branches remain there or are redeployed to Calgary/Edmonton resource libraries). Wage increases based on negotiated and projected AUPE settlements.

(9) Assumed year-over-year increase of 2%.

(10) Includes general and administrative, professional fees, equipment rental and amortization.

Option 3 Notes

(1) Per audited Joint Library Committee financial statements.

(2) Assume Government of Alberta and Alberta Law Foundation contributions are held constant at 2014/15 levels.

(3) Assume previously approved contribution from the Law Society of Alberta for 2015/16 ($798,200); for 2016/17 and 2017/18 contributions are calculated as $200 X 9,200 active LSA members.

(4) Service fees for the year ended 2014/15 were approximately $8,500 for 'database searches' carried out for the legal profession, and $89,800 for printing/faxing/overdue charges. Assumed that service fees for data base searches are eliminated with introduction of library levy and that overdue fees remain constant, but that printing and faxing charges will decrease significantly

once LiNC is moved to the Brownlee Building, so the estimated revenue for 2016/17 and 2017/18 is reduced accordingly.

(5) Interest income is assumed to be constant at the 2014/15 level.

(6) Assume average year-over-year increase of 10% for print materials.

(7) Assume average year-over-year increase of 2% for electronic materials.

(8) Technology support currently provided by Court Technology Services to ALL and through 3 ALL FTEs (1 currently vacant); estimate for 2015 through 2018 to be confirmed through discussion with CTS/IMTS.

(9) Assume current staff continued, regardless of service delivery model option selected (i.e., whether 5 FTEs currently allocated to regional/local branches remain there or are redeployed to Calgary/Edmonton resource libraries). Wage increases based on negotiated and projected AUPE settlements.

(10) Assumed year-over-year increase of 2%.

(11) Includes general and administrative, professional fees, equipment rental and amortization.

Option 4 Notes

(1) Per audited Joint Library Committee financial statements.

(2) Assume GoA contributions restored to $5,259,000, the notional budget prior to the March 2013 budget cuts; ALF funding reduced by $18,853 to level of 2013/14 contribution.

(3) Law Society contributions are restored to 2013/14 funding level for 2016/17 and 2017/18 fiscal years.

(4) Service fees for the year ended 2014/15 were approximately $8,500 for 'database searches' carried out for the legal profession, and $89,800 for printing/faxing/overdue charges. Assumed that service fees for data base searches and overdue fees remain constant, but that printing and faxing charges will decrease significantly once LiNC is moved to the Brownlee Building, so the estimated revenue for 2016/17 and 2017/18 is reduced accordingly.

(5) Interest income is assumed to be constant at the 2014/15 level.

(6) Assume average year-over-year increase of 10% for print materials.

(7) Assume average year-over-year increase of 2% for electronic materials.

(8) Technology support currently provided by Court Technology Services to ALL and through 3 ALL FTEs (1 currently vacant); estimate for 2015 through 2018 to be confirmed through discussion with CTS/IMTS.

(9) Assume current staff continued, regardless of service delivery model option selected (i.e., whether 5 FTEs currently allocated to regional/local branches remain there or are redeployed to Calgary/Edmonton resource libraries). Wage increases based on negotiated and projected AUPE settlements.

(10) Assumed year-over-year increase of 2%.

Includes general and administrative, professional fees, equipment rental and amortization.

Appendix Q – Alternative Service Delivery Models

Option 1 - 'De-consolidate' management of Alberta's law libraries

- *Description* – Under this option, the Government of Alberta would retain responsibility for libraries serving the judiciary, Alberta Crown Prosecution Services and Legal Services; the Law Society of Alberta would manage libraries services for the legal profession.
- *Analysis* - It was noted during the jurisdiction scan that most provinces are wrestling with the same challenges faced by ALL; many are considering moving to a similar, consolidated management model in the hopes of addressing these challenges and achieving greater efficiencies.

  Stakeholder feedback was that the consolidated management model has, for the most part, achieved the benefits which were envisioned which gave rise to its inception in 2009. The library collection is managed from a system-wide, provincial perspective to the benefit of its diverse user groups with a minimum of duplication and overlap. Importantly, creation of ALL has enabled the development of a cohesive library team which continues to function well under difficult financial constraints.

  Under this model, the public would no longer have access to the ALL collections; they would, instead, have to rely on public (municipal) libraries and other players in Alberta's justice system (e.g., Legal Aid, Legal Information Centres) for access to legal information.

  Finally, under this model, neither the Law Society of Alberta nor the Alberta Law Foundation could be expected to contribute to ALL funding; this would create an additional funding shortfall for the Government of Alberta of $2.5 million, that is, an amount equal to the total budgeted collection expenditures for 2015/16.
- *Conclusion* – **This option is not considered viable.** It eliminates the economies of scale and effectiveness gains achieved through consolidating Alberta's law libraries. It increases the Government of Alberta's funding challenges and overall justice system costs. As a portion of these would be passed on to the public, it further reduces access to justice.

Option 2 – Consolidated resource library model

- *Description* – Under this model, ALL's primary collections would be consolidated at the Edmonton Law Courts and Calgary Courts Centre to enhance capacity in those locations and achieve operational efficiencies.

Judicial collections would be maintained, but not staffed, in Edmonton and Calgary and at the sites of the current regional libraries (Red Deer and Lethbridge) and local libraries (Fort McMurray, St. Paul, Grande Prairie, Peace River, Wetaskiwin, Drumheller and Medicine Hat).

To ensure effective support outside of the two metro centres, the following operational changes would need to be implemented:

- Introduction of the role of 'roving librarian' i.e., a law librarian whose duties would include travelling to court sitting points around the province to connect with ALL clients, conduct needs assessments, provide training and updates about the ALL collection and services, and generally ensure that ALL is meeting client needs;
- Greater use of Skype, Lync, telephone and email to provide timely support to ALL users;
- Enhancing the circulating collection in Edmonton and Calgary, with a view to serving needs outside the main urban centres, while ensuring priority delivery of library materials to other locations, province-wide;
- Implementing WiFi in all Queen's Bench and Provincial Court permanent and sitting points, to enhance access to online resources for the judiciary and the legal profession[26]; and
- Enhancing the delivery of library training and current awareness services for the judiciary, Crown prosecutors and Legal Services to enable effective use of library resources.

- *Analysis* - This model removes an important element of the current service delivery model, i.e., dedicated librarians located within the judicial libraries. Consolidation of library staff would not yield cost savings; however, it is anticipated that this could enhance ALL capacity to deliver services. The rationale is simply that optimizing work allocation is easier to accomplish when staff are co-located.

  There are currently 5 FTEs (classified as library technicians) associated with operation of the regional and local libraries. Consolidation of these in the Calgary and Edmonton resource libraries would increase capacity to some extent; implementation of the full suite of measures described above would require additional staff resources at the law librarian and administrative support levels.

[26] To be confirmed through discussion with Justice and Solicitor General executive team.

- *Conclusion* – **This option is not considered viable**. It does not meet the expressed needs of the judiciary and other library users. As described under the Financial Sustainability section, there are not, at current or anticipated funder contribution levels, funds available to increase staff.